

**BILKENT UNIVERSITY  
INSTITUTE OF ECONOMICS AND SOCIAL SCIENCES**

**POLITICS IN AND AROUND THE CRIMEA  
1990-2001**

**BY  
ELVIS BEYTULLAYEV**

**A THESIS SUBMITTED TO THE DEPARTMENT OF  
INTERNATIONAL RELATIONS IN PARTIAL FULFILLMENT  
OF THE REQUIREMENTS FOR THE DEGREE OF MASTER OF  
INTERNATIONAL RELATIONS**

**SEPTEMBER 2001  
ANKARA**

**To my nephew, Kam**

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**Approved by the Institute of Economics and Social Sciences**

I certify that I have read this thesis and have found that it is fully adequate, in scope and quality, as a thesis for the degree of Master of International Relations.

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## ABSTRACT

After the disintegration of the Soviet Union in 1991, the Crimea had to define the terms of its status within a new context – the maintenance of Ukrainian sovereignty. The issue regarding the Crimea’s territorial status had two aspects: the status of the peninsula *per se*, that is, whether it should form a part of Ukraine or Russia, and the status of the territory within the state, part of which it constituted. The overall situation was complicated by the claims of the separatist-minded Russian majority, who now was opposed by the native inhabitants of the peninsula – the Crimean Tatars, who were in process of mass return from Central Asia, where they were deported *en masse* in 1944. Inter-ethnic clashes could have detrimental effects on Ukrainian independence and, therefore, their avoidance was essential for Ukrainian authorities. In this context, the constitutional process, which this thesis aims at presenting, acquired great importance, as it was the only tool through which the accommodation of interests of different national groups inhabiting the peninsula and protection of their basic rights was possible. Examination of this process, however, reveals the inability of the Crimean authorities to achieve these goals and their failure to grant the Crimea a legal “passport” that would reflect the historic, ethnic, and cultural peculiarities of the region. The Ukrainian-Russian confrontation over the Crimea and the dispute between these two states over the possession of the Black Sea Fleet was exacerbating the situation further and had great impact on the political situation in the peninsula and on national, regional, and international security.

## ÖZET

Sovyetler Birliği'nin 1991 yılında dağılmasından sonra, Kırım kendi statüsünün koşullarını Ukrayna'nın bağımsızlığı gibi yepyeni bir içerikte belirlemek zorunda kalmıştı. Kırım'ın toprak statüsü ile ilgili sorun iki yönü ile ortaya çıkmaktadır. Birincisi, Kırım yarımadasının statüsü, yani onun Ukrayna ya da Rusya'nın bir parçası olması gerektiği konusu, ikincisi, bağlı olduğu ülke içerisindeki toprak statüsü. Kırım'daki genel durumu zorlaştıran sebebi 1944'te toplu halde sürüldüğü Orta Asya'dan geri dönüş çabasında olan yarımada'nın yerel halkı, Kırım Tatar'ları tarafından karşı çıkılan ayrılıkçı düşünceli Rus çoğunluğun talepleri oluşturmaktadır. Etnik sorunların Ukrayna'nın bağımsızlığı üzerinde yıkıcı etkisi olabileceğinden, Ukrayna devleti için sorunlardan kurtulması hayati önem taşıyordu. Bu koşullar altında bu tez yarımadasında yaşayan değişik milli grupların isteklerinin yerine getirilmesini ve onların temel haklarının korunmasını mümkün kılan anayasal gelişmelerin büyük önem kazandığını göstermeyi amaçlar. Fakat konunun incelenmesi, Kırım'daki idarenin bu amaçlara ulaşmasındaki başarısızlığını ve Kırım'a onun tarihi, etnik ve kültürel özelliklerini yansıtacak bir yasal 'pasaport'un sağlanamamasını ortaya çıkarmıştır. Ayrıca, Ukrayna ile Rusya arasındaki Kırım ve Kara Deniz filosu üzerindeki hakimiyeti ile ilgili sorunlar iki ülke arasındaki durumu kötüleştirmenin dışında, Kırım yarımadasındaki siyasi durumu, ulusal, bölgesel ve uluslararası güvenliği de etkilemektedir.

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## INTRODUCTION

The Crimean peninsula, situated on the northern shores of the Black Sea, has an area of 27,000 square km and population of approximately 2,700 million. The natives of the peninsula – the Crimean Tatars – are Turkic people, who have inhabited the Crimea for more than 14 centuries. The presence of the Turkic peoples on the territory of Crimea goes back to sixth, if not fourth century – the time when the Huns invaded the peninsula, and includes the Khazars, Pechenegs, Kumans, the Golden Horde, Anatolian Turks (Seljuks and Ottomans), and, then, the Crimean Tatars.<sup>1</sup> The Crimean Khanate, a successor state of the Golden Horde was founded in 1440s and from 1475 on until the end of the Turco-Russian war of 1769-1774, it existed as an Ottoman protectorate, but remained a mighty power in Eastern Europe dominating vast areas along the Kuban River and the territories north of the Khanate. With the signing of the Treaty of Küçük Kaynarca in 1774, Russian influence on the Crimea increased dramatically. By the manifesto, issued by Catherine II on April 8, 1783, the Crimean Khanate ended its existence as a separate entity and was annexed to the Russian Empire.

Since then the policy of the Tsarist Russia towards the Crimea and the Crimean Tatars changed drastically. If until 19<sup>th</sup> century among approximately 30 ethnic groups that immigrated to the Crimea there were no Eastern Slavs, whose invasions from 8<sup>th</sup> century were always aimed at “military booty,” after 1783 thousands of Russian peasants were artificially settled on the territory of the peninsula, while the natives

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<sup>1</sup> Hakan Kırımlı, *National Movements and National Identity among the Crimean Tatars (1905-1916)*, E. J. Brill, 1996, p. 1.

were forced to migrate. The offensive of the Russian government's policies was expressed with the importation of serfdom, Russification of education and civil administration, redistribution of land (the native population lost the most valuable areas on the Southern shore which the new settlers, because of the unpreparedness for traditional economic activities on ecological environment alien to them, turned into wastelands. Starvation and poverty became widespread at the turn of the 19<sup>th</sup> century and resulted in the emigration of the Crimean Tatars in the form of massive waves. The situation of that time was best described by the Russian historian Smirnoff, who in 1887 wrote

“On April 8, 1883, loss of the Crimea of its independent political existence by its complete annexation to Russia was celebrated. During these hundred years many things have happened that modified the Crimea not only related to its political character: the deportation of the Tatars and coming of large numbers of the colonisers of other nationalities altered the Crimea's face in regard to its population and economy. It is difficult to say what is going to happen in the future with the handful of the Tatar people, who have remained in the Crimea. However, the past of these people was not so trivial, that is could be kept in the memory of the history.”<sup>2</sup>

An important period in the history of the Crimean Tatars was the end of the 19<sup>th</sup> and the beginning of the 20<sup>th</sup> century, the time when a movement of national awakening among these people began to take shape.<sup>3</sup> The revolution of March 1917 in Russia helped the underground nationalist groups of the Crimean Tatars to surface; in November of the same year, direct democratic elections to the *Qurultay* (National Parliament) were held and, in December, the Crimean Democratic Republic was declared. During the next three years, the Crimea “changed hands” three times between “White” and “Red” Russian Armies, none of whom were sympathetic to the national aspirations of the Crimean Tatars and always aimed at destroying the national

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<sup>2</sup> V.D. Smirnoff, *Krymskoe Khanstvo* [The Crimean Khanate], St. Petersburg, 1887, p. 1.

<sup>3</sup> See Hakan Kırımlı, *National Movements and National Identity among the Crimean Tatars (1905-1916)*, E. J. Brill, 1996.

republic; only during the German occupation of the Crimea in April 1918, did the *Qurultay* experience a brief resurgence.<sup>4</sup>

In November 1920, the Red Army took over the Crimea and in October 1921 the Crimean Autonomous Socialist Soviet Republic (CASSR) was formed as an integral part of the Soviet Russia. The policies of the new Russian government were not very different from those of the Tsarist one and resulted in the almost total elimination of the Crimean Tatar intelligentsia; hundreds of thousands people lost their lives during famines, deportations, and state terror.

The bigger tragedy, however, occurred later. On 18 May 1944, the entire Crimean Tatar population of about 195,000 was entrained and deported to the Central Asia for alleged collaboration with the Nazis during the II World War. Many people perished in the very beginning of this genocidal operation, during the terrible journey which took some three weeks, and within a few years only half of the deportees were able to survive their new place's poor economic and climatic conditions; there were mass deaths from hunger and epidemics. The CASSR, on the other side, first became an *oblast* of the Russian Federation and in February 1954, the Crimea was incorporated into the Ukrainian SSR, as a supposed "gift" to commemorate the 300<sup>th</sup> anniversary of the Russian-Ukrainian union.

The mass expulsion based upon ethnicity was an ordinary case in the policies of the Soviet government, though similarly deported peoples of the Karachay, Chechen, Ingush, and Balkar nationalities, unlike the Crimean Tatars, were allowed in the

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<sup>4</sup> Hakan Kırımlı, "The Crimean Tatars," *Research Report*, Ankara, 1993, p. 7.

1950s to return to their homelands and re-establish their national institutions. Thus, in around 1956, the Crimean Tatar National Movement was formed in exile. Using legal ways, it demanded absolution for their people of the crimes of which they had been falsely accused and a right to return to their homeland. However, the response of the Soviet authorities was to continue repression; even after the charges of treason were officially rescinded in 1967, the Crimean Tatars were still strictly prohibited to return to the Crimea. It was not until the last days of the Soviet Union that the Crimean Tatars were fully rehabilitated and given a right to return. Even then practically no official assistance was displayed to facilitate their return.

In February of 1990, the Supreme Soviet of Ukraine adopted a law “On the Restoration of the Crimean Autonomous Soviet Socialist Republic,” granting the Crimea a new status in the framework of which the problems of the deported peoples were to be solved. The founding of an independent Ukraine in 1991 moved this problem to a new level. It became very important for the new Ukrainian state to avoid inter-ethnic clashes, which could have detrimental effects on its independence. Major problems might stem from the Russian majority of the Crimea, which constituted 67% of the whole population of the peninsula, and this became apparent even before the final collapse of the Soviet Union: as support for sovereignty grew in Ukraine in 1990-1991, the separatist sentiment in the Crimea was growing correspondingly and it increased dramatically after the demise of the old empire. It was up until January 1999, time when the new Crimean Constitution entered into force, that the relations between the Ukraine’s central authorities and those of the ARC were characterised as drawn-out crisis. However, the adoption of the constitution resolved none of the problems relating to the Crimean Tatars.

This current thesis aims at presenting the constitutional process in the Crimea in the context of inter-ethnic relations and the effect the “Crimean problem” has had on Russian-Ukrainian bilateral relations.

As the complexity of the situation on the Crimean peninsula is determined by the presence of numerous political parties, groups, movements and societies, an examination of major political organisations in the first chapter is intended to facilitate the better understanding of the current state of affairs in the domestic politics of the Crimea.

The next two chapters bring into focus the developments related to the constitutional process in the ARC with particular emphasis on the Crimean Tatar national movement. While the former deals with the events until 1995, the time when some major powers of the autonomous republic were curbed, the latter comprises the developments until the adoption of the new constitution, and post-adoption events.

The last chapter encompasses the effects the “Crimean problem” has had on relations between Russia and Ukraine, and briefly explains the role of Turkey in these developments in and around the Crimea.



# CHAPTER I

## KEY PLAYERS: POLITICAL PARTIES, MOVEMENTS, AND BLOCS

### 1.1. Introductory Remarks

A complex ethno-political situation on the Crimean peninsula after 1991 emerged from the interaction of several political forces, which after the demise of the Soviet Union has appeared on the political scene of the republic in the form of parties, movements, or organisations. For a better understanding of this situation it is necessary to have a look at the key political actors, the dynamics of their interaction, their political orientation and objectives. To present a precise picture of these forces is practically very difficult, as not only the programmes of many of these organisations, but also their ideologies have been subject to permanent change. Thus, for instance, democratic forces turned out to be more nationalist-radical, some groups or movements abandoned their extreme policies and others were either collapsing, re-organising themselves, or re-appearing with different names or status. So, the absence of one or another political party or movement on the political scene of the Crimea in the following years would simply mean that that particular organisation has been liquidated or had not been registered officially.<sup>1</sup> An appropriate example here would be the *Meclis* [National Assembly] of the Crimean Tatars, which has been playing an active role in the political life of the peninsula for a long time, but has no official status.

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<sup>1</sup> S. M. Chervonnaya, *Krymskotatarskoe Natsionalnoe Dvizhenie: 1991-1993 Gody*, [The Crimean Tatar National Movement: 1991-1993], Volume 3, Moscow 1996, p. 55.

Despite these difficulties, I will try to consider the most important political actors that have appeared on the peninsula mainly after 1991, and describe their aims and activities. In order to simplify our task it is possible to analyse these actors within three main categories, namely pro-Russian, pro-Ukrainian, and the Crimean Tatar political forces; the 'centrist' or 'democratic' movement will also be mentioned.

## **1.2. The Pro-Russian Movement**

### **1.2.1. Russian or Russophone Parties**

The pro-Russian movement unites under its umbrella many political parties, sometimes very opposed in their political ideologies, ranging from radical communist groups, openly advocating the restoration of the USSR, to radical right-wing parties. In theory, these groups should be adversaries, but there is something that unites these parties and organisations –a common 'imperial mind-set.' "A psychological complex of prejudice, and the perception that the Crimea had originally been an integral and inalienable part of Russia predominate in this movement, thus, defining the mentality of its leaders..., the tone of slogans and the character of passions, displayed in the demonstrations of the so-called Russian-speaking population."<sup>2</sup>

Most of the various parties and organisations, advocating a national-Russian idea for the Crimean sovereignty were established in the immediate aftermath of the August 1991 putsch. Among those, the most important place was occupied by the Republican Movement of the Crimea (RMC) [*Respublikanskoe Dvizhenie Kryma*], led by Yuriy

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<sup>2</sup> Chervonnaya, p. 27.

Meshkov and established as a result of demonstrations on 23 August 1991 against Ukraine's independence and in support of the Crimea's remaining in the USSR.<sup>3</sup> The movement was registered at the end of 1991 and since then it had taken an active role in the Crimean politics. By propagating the idea of outright independence it succeeded in gathering the support of the Russian-speaking population of the Crimea, most of whom was dissatisfied with the current state of affairs. Thus, in 1992, at a time when the movement was really powerful, it organised a collection of signatures to demand a referendum on the Crimean independence.<sup>4</sup> Always alluding to the will of people, the RMC was trying to create a democratic image for itself and a proposed referendum became an important tool in the hands of its leaders.<sup>5</sup>

In order to manipulate the masses more easily the RMC had chosen another good tactic and in the period between 1991-1993 it was acting as "popular opposition" power to the "ruling regime." As a matter of fact, its position was completely opposite to that of the Crimean Tatar national movement and the democratic forces, which were demanding more radical changes and the abandonment of everything that was related to the old totalitarian systems.<sup>6</sup> In reality, there were not so many points on which "opposition" and "ruling regime" would disagree. Thus, for instance, during 1991 and 1992 Nikolay Bagrov found it useful to support the RMC in order to put pressure on Kyiv in negotiations concerning the Crimean autonomy, but "he quickly dropped his association once he had achieved what he desired."<sup>7</sup> At the same time, Meshkov and the other twenty-nine deputies representing the same faction were at

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<sup>3</sup> Andrew Wilson, "Crimea's Political Cauldron," *RFE/RL Research Report*, Vol. 2, No. 45, 12 November 1993, p. 3.

<sup>4</sup> *SWB*, 7 February 1994.

<sup>5</sup> Chervonnaya, p. 27.

<sup>6</sup> *Ibid.*, p. 61.

<sup>7</sup> Andrew Wilson, "Crimea's Political Cauldron," p. 3.

that time in the Supreme Soviet of the Crimea and no doubt had influence on the formulation of official policies of this “ruling regime”.<sup>8</sup>

When the Supreme Soviet gave up the idea of establishing a Crimean independent state, the RMC’s influence diminished and the disagreements within the movement led to a split. A new party, very similar to the RMC - the Republican Party of the Crimea (RepPC) [*Respublikanskaya Partiya Kryma*] was officially formed on 18 October 1993, by the group of deputies from the RMC under the leadership of the same Meshkov.<sup>9</sup> Now, along with the RepPC, another five parties with the similar platforms were formed on the peninsula. One of them is the Russian Party of the Crimea (RPC) [*Russkaya Partiya Kryma*], which was established by the journalist and people’s deputy, Sergey Shuvaynikov, in autumn 1993 as a result of personal disagreements between him and Meshkov.<sup>10</sup> Party’s founding congress was held on 25 September 1993, where its members criticised the policies of the Russian government, particularly for giving little attention to the problems of the Russian Crimeans.<sup>11</sup> Their political platform was the “rejoining Crimea to Russia,” which would be the first step towards “the creation of a new union state” and the best way of “dealing a decisive blow to nationalist forces in Ukraine.”<sup>12</sup> The RPC with its ideology was the Crimean version of Zhirinovskiy’s Liberal Democratic Party of Russia (LDPR) [*Liberal’no-Demokraticheskaya Partiya Rossii*]. The connection between these parties and their sympathy towards each other was expressed by Zhirinovskiy in one of his interviews. He then said, “the LDPR thinks of the Russian Party of the Crimea as the only party in the Crimea which is capable of sincerely

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<sup>8</sup> Chervonnaya, pp. 61-62.

<sup>9</sup> *BBC Monitoring Service*, 28 October 1993, as distributed by *Reuters*.

<sup>10</sup> *UNIAN news agency*, 13 October 1993, as distributed by *Reuters*.

<sup>11</sup> *SWB*, 29 September 1993.

defending the interests of the Crimeans, the interests of the Russian people. Remember, the LDPR together with the Russian Party of the Crimea will be fighting for your [the Russian Crimeans'] rights.”<sup>13</sup>

The RPC is a representative of the bloc of “Russian” parties and movements much more radical than the Meshkov’s RMC. Actually, this bloc had appeared before the RPC was formed. The first congress of this movement – the Congress of Russian-Language People of the Crimea was held on 25 April 1993, where its delegates, openly advocating a “Russian national idea as a base for the Crimea’s state sovereignty,” were constantly repeating that the Crimea was always a Russian land and would remain such in the future.<sup>14</sup> The movement had such great success that those twenty-eight (hard-core) deputies, who used to represent Meshkov’s RMC in the Supreme Soviet, defected to this movement. Irritated at the idea of independent Crimea, key local business groups transferred their allegiance to the same movement, which was explicitly advocating union with Russia.<sup>15</sup> The more radical stance of the organisations of which the bloc consists could be explained by the fact that these groups have either strong links with the radical nationalists of Sevastopol or themselves are based in the “city of Russian glory.”

There was another group, possessing the above-mentioned characteristic and representing the same bloc - the “Russian Society” [*Russkoe Obschestvo*] formed in 1991 by Anatoliy Los’ and based in Sevastopol. It was contemplated about the merging of this party with the RPC of Shuvaynikov in 1993, when the latter was

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<sup>12</sup> Andrew Wilson, “Crimea’s Political Cauldron,” p. 3.

<sup>13</sup> L. Takosh, “Iskushennaya politika ili strasti po Shuvaynikovu,” *Avdet*, N. 1 (92), 13 January 1994, p. 2.

<sup>14</sup> Chervonnaya, p. 65.

formed, but again personal animosities between the two did not let it happen. However, there was a party that merged with the RPC successfully – the National Salvation Front (NSF) [*Front Natsional'nogo Spaseniya*], headed by Sergey Kruglov and also had its central offices in Sevastopol. Although, in October 1993 Kruglov announced the dissolution of the party that, in his words, “accomplished its task,” most of its members joined the RPC.<sup>16</sup> Kruglov has become famous for his speeches, denouncing “Tatar gangsters” and “Ukrainian bourgeois nationalists” and claiming that “the main goal of [local Crimean] patriots must be the dissolution of Ukraine; only then will it [the Crimea] join a new union.”<sup>17</sup>

Together with the neo-communists Kruglov organised a “People’s Assembly of the Inhabitants of Sevastopol and Black Sea Sailors” (or the Russian people’s council of Sevastopol) in July 1993. The decision was taken in a rally in Sevastopol, attended by about 5,000 people, who decided to hold an assembly on 16 July to form a lesser council – *Veche*, the main task of which would be to “control the implementation of Russian laws and organise parliamentary and executive elections in Sevastopol for the transition period.”<sup>18</sup> At the same meeting the participants prepared an address to the Russian Supreme Soviet, thanking it for the resolution on the status of Sevastopol and expressing the hope that the Russian parliament would speed up adopting legislation to put this decision into practice.<sup>19</sup> Although, the Sevastopol City Council (Soviet) had declared this council as an “illegal body,”<sup>20</sup> the members of the *Veche* didn’t stop

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<sup>15</sup> Andrew Wilson, “Crimea’s Political Cauldron,” p. 3.

<sup>16</sup> *UNIAN news agency*, 13 October 1993, as distributed by *Reuters*.

<sup>17</sup> *Molod Ukrainy*, 31 August 1993, cited in Andrew Wilson, “Crimea’s Political Cauldron,” p. 3.

<sup>18</sup> *SWB*, 16 July 1993.

<sup>19</sup> *Ibid.*

<sup>20</sup> *FBIS-SOV-93-142*, 27 July 1993.

their activities and continued pro-Russian propaganda, organising rallies and preparing numerous appeals to the political bodies of Russia.

In most of its activities the National Salvation Front was allying with the Communists. This clearly articulates its radical political orientation. At the time of events in Moscow in September 1993, on the initiative of both the NSF and the Communist Party a rally was organised which proceeded beneath the flags of the USSR and Russia, and slogans “All power to the Soviets” and “Fascism will not pass.” The resolution of the rally called the events in Moscow “an anti-popular state coup, carried out by Yeltsin and his regime in the interests of the bourgeoisie and foreign capital.”<sup>21</sup> Another appropriate example would be that again in September 1993 a leader of the Crimean Communists, Leonid Grach, and Kruglov took part in a Congress of Peoples of the USSR, where they openly sided with Ruskoy and Khasbulatov in their struggle with Yeltsin.<sup>22</sup>

In November 1993, pro-Russian organisations together with the Crimean communists had announced that the People’s Unity Bloc [*Narodnyi Soyuz*] was reinstated. This decision had been reached by the representatives of the Crimean Communist Party, the Republican Party, the Liberal Democratic Party, the Green Party, the youth organisation “Young Guard,” and the Crimean Cossack’s Union. The newly formed body was willing to assume power and formulate a “new course” for the Crimean Republic.<sup>23</sup>

In 1996, at a time when Russian political circles renewed their attempts to claim the Crimea for Russia, some new parties, politically oriented towards Russia, were

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<sup>21</sup> *FBIS-SOV-93-184-S*, 24 September 1993

<sup>22</sup> Andrew Wilson, “Crimea’s Political Cauldron,” p. 3.

formed on the territory of peninsula. Thus, the ex-president of the ARC, Yuriy Meshkov, on 16 April 1996, announced the re-formation of the Republican Party of Crimea “Russia” (RepPC “Russia”), whose main objective would be to help the republic to restore lost rights and protect the interests of ethnic Russians.<sup>24</sup> The newly founded party united the primary organisations that broke away from its predecessor, the former RepPC. Although, Meshkov did not re-acquire his former popularity, lost together with the post of president, the party continued to function and in summer of 1997, the transformation of the “Russia” party/bloc into the *Soyuz* [Union] Party was announced. The programme of the Union Party was aimed at the decentralisation of state power, a consistent transition to a federal system in Ukraine and maximum independence for the regions. It advocated the recreation of the union of the states [USSR], but on new terms: “not an amorphous CIS, but a real tightly-knit economic and political union of states and peoples, especially native ones.”<sup>25</sup> It should be added that this party was to become one of the most influential political organisations in the Crimea in the next five years.

There are other movements and groups of pro-Russian orientation: the Union of Russian Officers, the Russian Movement of Sevastopol, the Pushkin Society of Russian Culture, the Union of Afghanistan Veterans (later renamed as “Bagram”) amongst others. Whatever their title, all of them have been taking an active role in the political life of the peninsula and have had an important impact on the ethno-political situation in the Crimea. However, the presence of so many of such organisations does not allow detailed description of each of them.

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<sup>23</sup> *FBIS-SOV-93-216*, 10 November 1993.

<sup>24</sup> *BBC Monitoring Service*, 18 April 1996, as distributed by *Reuters*.



All these Russian parties, had a negative stance towards the Crimean Tatars, and many saw this nation as a threat to the attainment of their political objectives. Thus, the members of the NSF and the Russian Society of the Crimea, when participating in the first congress of the Slavic Unity Party that was held in Kyiv in 1993, described the return of the Crimea Tatars on the peninsula as a fundamental threat to “Eastern European Slavism.”<sup>26</sup> As Andrew Wilson has noted, “the Russian-speaking population that took the Tatars’ place after their expulsion has consistently sought to exclude the Tatars from positions of influence in local politics since their organised return began in 1989-1990.”<sup>27</sup> This gives an idea why the Russian-speaking population so desperately want to become a part of Russia and so intensively participate in all these rallies and demonstrations against the Ukrainian state. This situation also puts pressure on the more moderate Crimean Tatar politicians, as now a more radical younger generation demands protection of their rights.<sup>28</sup>

All these parties opposed any attempt at the implementation of policies favouring the Crimean Tatars. First of all, they did not want to accept the Crimean Tatars as “indigenous” people. Instead, they proposed a policy of priority for the Russian-speaking population and invent tales about the state [Ukrainian] discrimination.<sup>29</sup> More importantly, they are against the introduction of quotas in the Crimean parliament for the Crimean Tatars which, according to Meshkov, “are simply a means of achieving personal positions of power for the leaders of the Medzhlis [*Meclis*].”

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<sup>25</sup> *BBC Monitoring Service*, 18 April 1996, as distributed by *Reuters*.

<sup>26</sup> Viacheslav Pikhovshek, “Will the Crimean Crisis Explode?” in Maria Drohobycky (ed.) *Crimea: Dynamics, Challenges, and Prospects*, Rowman & Littlefield Publishers, INC, Maryland, 1995, p. 43.

<sup>27</sup> Andrew Wilson, “Crimea’s Political Cauldron,” p. 1.

<sup>28</sup> “Tatar Tinder,” *The Economist*, 14 May 1994, p. 31.

<sup>29</sup> Andrew Wilson, “The Crimean Tatars,” *A Situation Report*, International Alert, 1993, p. 32.

So, “the Russian parties tend to dress up their opposition to pro-Tatar policies as the principle of ‘equal rights’ for all citizens of Crimea.”<sup>30</sup>

### **1.2.2. The Communists**

One of the major elements of the pro-Russian movement is the Communist Party of Crimea (CPC) which increased in power even before the formal dissolution of the Soviet Union. Its ‘rebirth’ had actually been associated with the formation of the “20 January” movement, which was named after the referendum on the future of the peninsula that took place in the Crimea on 20 January 1991. The leaders of the movement were demanding the retention of the USSR with the Crimean ASSR, being a part of it and not a constituent part of the Ukrainian SSR.<sup>31</sup> However, as happened in other parts of the USSR, it was officially banned when the old empire collapsed.

Already by the beginning of 1992, the old members of the party started working intensively at restoration of the CPC. Thus, in March of the same year, they held an illegal meeting in one of the villages of Razdolnenskiy (Akşeyh) *rayon* (region) under the leadership of the ex-First Secretary of the Crimean Republican Committee of the CP of Ukraine, who served in the office from February to March of 1991, Leonid Grach. At this meeting the participants discussed the possibilities of alliance with the RMC and the Union of Afghanistan Veterans, the Crimea’s secession from Ukraine and declaration of the Crimean SSR, and the ways of reinstating the leading role of the CPC.<sup>32</sup>

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<sup>30</sup> *Ibid.*

<sup>31</sup> Chervonnaya, p. 56.

In June 1992, the Union of Communists of the Crimea was established under the leadership of the same Grach; already on 18 June 1993 this union renamed itself as the Communist Party of Crimea and on 18 September of the same year it was registered officially by the Crimean authorities as the first political party on the peninsula.<sup>33</sup> According to its leader, the CPC had at that time about 30,000 members, compared to 131,000 members of the CP in the Crimea before the demise of the Soviet Union; 23-25 deputies were at that time representing the CPC in the Crimean Supreme Soviet and there were four deputies from the CPC in the Ukrainian parliament.<sup>34</sup>

It is difficult to trust the authenticity of the in the number given by Grach for the members of the CPC, as even the main Ukrainian parties would hardly claim the same figure about their membership throughout the whole territory of Ukraine. Still, it is true that the communists became very popular among the Russian population of the peninsula; only in a year of its existence their movement appeared quite solid and self-confident. One of the main reasons for this seemed to be economic hardship. In comparison to Russia, the economic performance of Ukraine was very poor. Grach's promises were therefore very popular - of the re-unification with Russia, the re-establishment of the Soviet Union to struggle against "speculation" and "the rise of bourgeois capitalism," "to protect people against forced decollectivisation," to "guarantee maximum state support for collective property," and "the social protection of the population" gained great support for his party.<sup>35</sup> "The aim of my policies is to restore the USSR. For this the Crimea should enter the CIS independently – this is the

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<sup>32</sup> *Ibid.*, pp. 56-57.

<sup>33</sup> *Reuters*, 28 September 1993.

<sup>34</sup> *Ibid.*

<sup>35</sup> cited in *ibid.*

path of salvation for the peninsula. Its economic problems can only be solved by large credits from Russia,” noted Grach in one of his speeches during the Crimean presidential election campaign.<sup>36</sup>

Grach was determined to win the presidential elections. “We don’t have a right to lose in the forthcoming election,” noted the CPC’s leader on the party congress, also attended by the leader of the Russian communists Gennadiy Zyuganov, in November 1993.<sup>37</sup> The strong ties between the members of the CPC with the old communist elite in Russia were always an important factor, strengthening the position of the communists on the peninsula. Thus, the events in Moscow in autumn 1993 were an obvious setback for the CPC members, who reacted very negatively and demanded an immediate release of Rutskoy and Khasbulatov. Although, the CPC lost its great supporters and sponsors in Russia then, the fact that it was organised and settled so effectively on the peninsula itself made not only for its survival, but also its prospering.

As can be guessed, the CPC was very hostile both towards the Crimean Tatars, whose problem it considered as “anything but economic,”<sup>38</sup> and towards those supporting the Ukrainian independence, especially members of the *Rukh*. As a matter of fact, though in theory of communism, any communist movement should include “proletariat” of a country and is open to all nationalities; however, in the Crimea it was so just the Russians – the ex-communist elite, who were intensively involved in the activities of this party.<sup>39</sup>

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<sup>36</sup> *FBIS-SOV-94-005*, 7 January 1994.

<sup>37</sup> Chervonnaya, p. 58.

<sup>38</sup> Andrew Wilson, “The Crimean Tatars,” p. 31.

<sup>39</sup> Chervonnaya, p. 58.

The CPC members' hatred towards everything related to democracy and their desire to re-build the old empire were always a reason that was bringing them closer to the nationalist and chauvinist movement of the pro-Russian orientation. Therefore, when Grach lost already in the first round of the elections, he called the supporters of the CPC to vote for the candidature of Meshkov in the second round, justifying it by the similarity in their stances towards those who were in power.<sup>40</sup>

In the 1998 parliamentary elections in the Crimea Grach and his party received the majority of the seats in the new Supreme Soviet (parliament – *Verkhovnyi Sovet*) of the Crimean Autonomous Republic, with Grach becoming the chairman of the parliament. The influence of the CPC on the politics in and around the Crimea therefore increased dramatically. It must be added that the CPC is not the only communist organisation in the Crimea, there are also more radical elements such as the Communist Party of Crimean Workers and the organisation “Working Crimea,” although their membership counts hardly more than a few hundred.

### **1.3. Democratic or “Centrist” Forces**

There are not so many democratic organisations or political parties on the territory of the peninsula, and, unfortunately, none of them is strong enough to counterbalance the forces of pro-Russian orientation. The reason for this is not only the lack of potential followers, but also an absence of interconnectedness and co-operation in activities between the parties representing this force. Thus, neither in 1991, when the old empire collapsed, nor in 1994 and 1998 elections did these parties come to power.

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<sup>40</sup> *Ibid.*

At the end of September 1991, 23 deputies, who already in April 1991 formed a deputy group, called *DemKrym* established in Simferopol the organisation “Democratic Crimea” under the leadership of Yuriy Komov.<sup>41</sup> In the beginning, “Democratic Crimea” became allied with the RMC, as both of them were calling themselves “oppositions.” However, on the following congress of the party on 30-31 May 1992 in Yalta, the contradictions and divergence of interests had appeared not only with those organisations which were considered to be the allies of the movement (the *Rukh* and the RMC), but also with the ‘constituent elements’ of the “Democratic Crimea” such as the Socio-Democratic Union of Crimea, local branch of the Party of Democratic Revival of Ukraine, and Farmers Organisation of Feodosiya (Kefe).<sup>42</sup> The main contradiction was in this party’s programme on the “federalisation of Ukraine,” according to which the Crimea was to become a federative part of Ukraine and if this did not happen, the Crimea should be re-annexed to Russia.<sup>43</sup> The promotion of such a strange idea did not increase its popularity even within the pro-Russian chauvinist circles and only alienated its supporters.

The party completely lost the meaning of its existence after Komov left it to join the Union for the Support of the Republic of Crimea (USRC) [*Soyuz v Podderzhku Respubliki Krym*], which was formed in September 1993 by Yakov Apter and Sergey Kunitsyn, and which united the people of heavy industry, concentrated mainly in the northern and eastern Crimea. This party’s members were typical examples of old-style directors, anxious to maintain the flow of subsidies from the ministries in Kyiv.<sup>44</sup> But, it is noteworthy that in its statements, the USRC considered the problem of the inter-

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<sup>41</sup> *Ibid.*, p. 67.

<sup>42</sup> *Ibid.*

<sup>43</sup> *Ibid.*

<sup>44</sup> Andrew Wilson, “The Crimean Tatars,” p.33.

ethnic relations to be the most important and declared its support and readiness to help the deported peoples of the peninsula.

One of the most significant centrist organisations at that moment was the Democratic Party of Crimea (DPC) [*Demokraticeskaya Partiya Kryma*], formed in June 1993 and led by Anatoliy Filatov.<sup>45</sup> Although, this party propagated Crimean autonomy within Ukraine, it also demanded the establishment of confederate relations between the republics of the ex-USSR. It favoured accommodation with Crimean Tatar organisations and in October 1993 the DPC and the Organisation of the Crimean Tatar National Movement (OCNM) [*Organizatsiya Krymskotatarskogo Natsionalnogo Dvizheniya*] announced that they were merging in a joint bloc in the election campaign for deputy mandates to the Supreme Councils of Crimea and Ukraine.<sup>46</sup> The two bodies had similar opinion on other matters, too. For instance, both favoured a two-chamber parliament in the Crimea, one of which must be a chamber of nationalities; both believed that “Sevastopol was an alienable part of the Crimea and regarded all actions aimed at revising this status as provocative;” both sides thought that privatisation should take place alongside the creation of conditions that would help the deported people to participate in acquiring of private property.<sup>47</sup>

Another organisation, which could also be classified as ‘centrist,’ was the Party for the Economic Revival of Crimea (PERC) [*Partiya Ekonomicheskogo Vozrozhdeniya Kryma*]. Its first congress was held on 20 March 1993, where it was stressed that it had about 30,000 supporters (businessmen, bankers, and representatives of trade). On the same congress it was announced that the main goal of the party was “to create the

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<sup>45</sup> *BBC Monitoring Service*, 12 June 1993, as distributed by *Reuters*.

<sup>46</sup> *UNIAR news agency*, 14 October 1993, as distributed by *Reuters*.

necessary economic, political and legal conditions for the development of the Crimea as a democratic republic, which is part of Ukraine and is capable of protecting the interests of all citizens and nationalities.”<sup>48</sup> At that time, the party had three co-chairmen, which was symbolising the alliance of different forces: Vladimir Shevyov, a local businessman and a leader of the Union of Entrepreneurs of the Crimea; Vladimir Yegudin, the Crimean Minister of Agriculture; and Vitaliy Fermanchuk, a former ideology secretary of the CP in the Crimea and a representative of heavy industry. The PERC claimed to be a strong supporter of the market economy and was interested in establishing a free economic zone on the territory of Crimea. The party, however, disappeared from the political arena of the peninsula as a result of the “snatch” by the local mafia and had its rebirth a few years later, but now as a local branch of the all-Ukrainian party with the same name.

Very similar to the PERC was the so-called party “Crimea,” established on 8 June 1996, in Simferopol. It evolved from the former People’s Party of Crimea, on the proposal of the Ukrainian parliament deputy Lev Myrmyskiy, president of the *Imperia* [Empire] concern.<sup>49</sup> The newly established party was supposed to represent the interests of the Crimean entrepreneurs, however, it was unable to speak loudly in the following years.

The peculiarity of the situation in the Crimea with regard to political forces comes from the fact that alongside with political parties or groups, members of which are brought together by a common political idea or orientation, the majority of the parties have been formed according to the nationality factor and represent Russians,

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<sup>47</sup> *BBC Monitoring Service*, 15 October 1993, as distributed by *Reuters*.

<sup>48</sup> *SWB*, 26 March 1993.



Ukrainians, the Crimean Tatars or other nationalities. With no regard to the political orientation or name of any of these parties (i.e. they can be left or right wing), they promote the interests of the nationality they represent. At the same time, organisations such as the Society of Ukrainian Language of Taras Shevchenko *Prosvita* [Enlightenment], at first glance appear to be apolitical bodies. However, they are very much politicised and the nationality factor in fact plays a very significant role in the definition of their political orientations.<sup>50</sup>

#### **1.4. The Pro-Ukrainian Forces**

Ukrainian organisations appeared on the territory of the peninsula in late 1980s, at that time to dissimilate Ukrainian culture and language, strengthen ethnic solidarity and self-consciousness among the Ukrainians, living on the territory of the peninsula. But, these organisations could not be isolated from politics; thus, they became an important tool in the hands of the central Ukrainian government.<sup>51</sup>

At the beginning of the 1990s, the number of parties representing pro-Ukrainian forces increased dramatically. They differed widely as regards to their political ideology, but were too small to be able to effect the distribution of power on the peninsula.

Among the pro-Ukrainian organisations on the peninsula are the local branches of the Ukrainian Republican Party, the Democratic Party of Ukraine, and the Ukrainian National Assembly. The members of these organisations under the leadership of

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<sup>49</sup> *BBC Monitoring Service*, 11 June 1996, as distributed by *Reuters*.

<sup>50</sup> Chervonnaya, p. 69.

Mykola Porovsky in May 1992 founded the movement “The Crimea with Ukraine,” on its first congress in Canköy, called “The All-Crimean Bloc of Democratic Forces;” it was joined by the local branch of the Ukrainian National Party, the Union of Officers of Ukraine, the *Rukh*, and *Prosvita*. The formation of this bloc was merely a reaction to the ratification by the Crimean Supreme Soviet on 5 May 1992 of the Crimean Constitution, the provisions on the status of the Crimea of which were in contradiction with the Ukrainian constitution.<sup>52</sup> Thus, this organisation is seen to be more an artificial implant from Kyiv, as the Ukrainians, inhabiting the peninsula are thoroughly Russified people who have no sympathy towards the Ukrainian independent state. The most serious organisation within the pro-Ukrainian forces was established in autumn of 1993 - the Ukrainian Civic Congress of the Crimea.

Despite the weakness of the pro-Ukrainian forces on the peninsula, the presence of these organisations had certainly a positive impact on the political situation in the Crimea. All of them strongly resisted the secessionist pro-Russian forces and supported the Crimean Tatar national movement, often allying with it in the political activities or undertaking initiatives together. Most of these parties have stressed many times in their statements the insufficient attention paid by the governments of both Crimea and Ukraine to the problems of the Crimean Tatars; they also supported the Crimean Tatars very strongly in their demands for the establishment of cultural-national autonomy within the Ukrainian state.

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<sup>51</sup> *Ibid.*, p. 70.

<sup>52</sup> *Ibid.*

## **1.5. The Crimean Tatar National Movement**

### **1.5.1. The Organisation of the Crimean Tatar National Movement and the Crimean Tatar National *Meclis***

Among all these different political parties, groups, and organisations that have their existence on the peninsula, a very special place is occupied by the Crimean Tatar national movement. The movement is a well-organised political force, the leaders of which possess all necessary instruments and skills at their disposal in order to operate and co-ordinate its supporters effectively. The political mainstream of the Crimean Tatar politics is represented by the *Meclis* [parliament], elected by secret ballot on the first session of the Second *Qurultay* [congress] in June 1991 in Bahçesaray. At the same congress the long-term dissident, an intellectual with a long history of resistance to and imprisonment by the Soviet authorities, and world-wide known fighter for the rights of the Crimean Tatars, Mustafa Cemil Kırımoğlu, was elected a head of the Crimean Tatar *Meclis*. Previous to that position, Kırımoğlu was a leader of the Organisation of the Crimean Tatar National Movement (OCNM) – a political party, which was established in 1989 to promote the same aims as the *Meclis*. Thus, while the *Meclis* is a representative assembly of the Crimean Tatars, the OCNM is its equivalent as an organised political party; after the first elections half of the *Meclis*' council, consisting of 33 deputies, were members of the OCNM and the OCNM's first two leaders, Mustafa Kırımoğlu(1989-1991) and Refat Çubar (1991-1993) became head and deputy head of the *Meclis*, respectively.<sup>53</sup>

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<sup>53</sup> Wilson, Andrew, "The Crimean Tatars," p.29.

However, after the election of Erecep Hayredin as a head of the OCNM in 1993, the relationship between the *Meclis* and the OCNM became somewhat lukewarm; a kind of divergence in views on the functions of both bodies had occurred.<sup>54</sup> In fact, when the idea of the establishment of the political body, representing all the Crimean Tatars regardless of their political orientation, was put into practice and its newly elected chairman, Mustafa Kırımoglu, was replaced by Refat Çubar at his post within the OCNM, the association of the *Meclis* with the OCNM did not lose its meaning and it was difficult to delineate the differences between these two bodies. But the election of Erecep Hayredin brought a new dimension to this relationship. It is not that the political programme of both started to diverge. On the contrary, the OCNM appears to have no new ideas at all. Thus, for instance, in a declaration on “The Immediate Tasks of the OCNM,” adopted at the V Congress of the OCNM in March 1996, it is impossible to find neither serious differences in the programmes of both the *Meclis* and the OCNM, nor a single new initiative or idea; all the tasks mentioned in this resolution are simply the reiteration of the goals that the *Meclis* had been struggling to reach for all these years.<sup>55</sup> Actually, the real problem lies in a perceptions of the ruling circle of OCNM of the functions of their political party; they want to act independently of the *Meclis*, trying to establish themselves as a kind of opposition to the *Meclis*. The Crimean Tatar media and public blames for this situation the chairman of the OCNM, Erecep Hayredin, who definitely lacks charisma and any image of a ‘hero’ among the population, or the broad thinking and creativity that previous leaders of the OCNM had possessed, and he desperately imitates Kırımoglu

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<sup>54</sup> S. M. Chervonnaya, *Krymskotatarskoe Natsionalnoe Dvizhenie. Vozvrashchenie Krymskotatarskogo Naroda: Problemy Etnokulturnogo Vozrozhdeniya, 1994-1997 Gody*, [The Crimean Tatar National Movement: Return of the Crimean Tatar People: Problems of Ethno-cultural Rebirth, 1994-1997], Moscow 1997, Volume 4, pp. 109-116.

<sup>55</sup> *Ibid.*, pp. 111-113.

and Çubar.<sup>56</sup> In this context, the programme of the Crimean Tatar *Meclis* acquires more importance.

Among its many tasks, the *Meclis* pursues policies aiming at implementation of a broad programme that would meet the needs of its people in the social sphere of life, which would include the revival of national culture, religion, and spiritual consolidation of the nation, and in the economic sphere of life, by providing material aid to destitute parts of the population. Thus, soon after the Second *Qurultay*'s first session, the *Meclis* launched the formation of local organs of national self-government (local *meclises*, committees, etc) on the entire territory of the peninsula, including the villages and places of temporary settlements of the Crimean Tatars for more effective implementation of its programmes.<sup>57</sup>

However, the main objective is the re-establishment of the Crimean Tatar national republic on the territory of the peninsula.<sup>58</sup> It is significant to mention that the *Meclis* “resists vigorously any separatist attempts aimed at [the] Crimea’s secession from Ukraine,”<sup>59</sup> and demands the implementation of the right of their people to self-determination within Ukraine. They believe that “nations and peoples are the basic subjects of the human civilisation,” and therefore stand for “the return of the Crimean Tatar people to their historic homeland, and the restoration of their national statehood.”<sup>60</sup>

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<sup>56</sup> *Ibid.*, p. 111.

<sup>57</sup> Mustafa Cemiloglu, “The Crimean Tatar Liberation Movement,” in Maria Drohobycky (ed.) *Crimea: Dynamics, Challenges, and Prospects*, Rowman & Littlefield Publishers, INC, Maryland, 1995, p. 105.

<sup>58</sup> *Guardian*, 1 September 1993, as distributed by Reuters.

<sup>59</sup> *BBC Monitoring Service*, 01 July 1996, as distributed by Reuters.

The *Meclis* also demands compensation for the victims of deportation and considers that financial assistance should come first of all from Russia, as the legal successor to the USSR, and then from Uzbekistan and Ukraine. As it appears, the first two are indifferent towards the problems of the Crimean Tatars, and aid comes only from the West. Because of the poor economic conditions in Ukraine and its inability to sustain the volume of expenditures in the process of resettling deported nationalities of the Crimea, in January 1995, at the initiative of the UN mission to Ukraine, agreement had been reached that assistance in this matter would be granted by Turkey, Italy, the Netherlands, France, Canada, Sweden, Germany, and other countries.<sup>61</sup> There is, of course, an amount of money set aside annually by the Ministry for Nationalities of Ukrainian government, though this aid was usually woefully inadequate (as before the introduction of *Grivna*, Ukrainian money had always been subject to galloping inflation) and dispensed through the Crimean Cabinet of Ministers, while caused many doubts as to the very existence of any assistance to the people. In the last few years the situation has changed somewhat. In 2000, for instance, 20 million *Grivnas* were allocated to the programme related to the return and resettlement of the deported peoples.<sup>62</sup> It was reported that during 1992-1998, \$300 million were allotted to the realisation of the same programme and this made possible the construction of 273,000 square meters of accommodation, 375 kilometres of water and 851,4 kilometres of electricity supply system, 84,3 kilometres of roads. However, 130,000 Crimean Tatars who had already returned to the Crimea still do not possess any housing; only 65,2 of 136,6 thousand of people have permanent jobs; 60% of the places inhabited by the repatriates are not provided with water and 25% - with electricity; only 3-5% of the

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<sup>60</sup> *Programma organizatsii Krymskotatarskogo natsionalnogo dvijeniniya*, Simferopol, 1993, cited in Andrew Wilson's, "The Crimean Tatars," p. 29.

<sup>61</sup> *BBC Monitoring Service*, 17 January 1995, as distributed by *Reuters*.

roads have been constructed.<sup>63</sup> Obviously, even the most vital problems are still very far from being solved.

The *Meclis* perceived itself as a sole successor of the Crimean Tatar national movement with its long-standing history and traditions, therefore, demanded from Ukrainian government to be recognised as “the authorised representative body of the Crimean Tatar people” and believes that measures should be introduced into the Ukrainian constitution guaranteeing the *Meclis* representation in Ukraine’s highest legislative body.<sup>64</sup> During last decade, the Crimean Tatar patriots organised demonstrations, held hunger strikes aiming at the promotion of these demands. However, this demand was not met and it was only in 1999 that President Leonid Kuchma made some resemblance of recognising the *Meclis*; he granted it a status of a consultative body under the Cabinet of the President of Ukraine.<sup>65</sup>

The problem of representation was not solved either. While before the 1994 parliamentary elections in the Crimea it was agreed to grant a quota of fourteen seats (for one term only) to the Crimean Tatars deputies, a law “On the Elections to the Supreme Soviet of the Autonomous Republic of Crimea” of 1998, stated that the Crimean Parliament, unlike the Parliament of Ukraine, would be elected under a purely majority system. And another law “On the Supreme Soviet of the Autonomous Republic of the Crimea,” stipulated that all the deputies would be elected on the basis of universal, equal, and direct suffrage. These two laws stripped the Crimean Tatars of

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<sup>62</sup> “Iz byuddzeta Kryma” [From the Budget of Crimea], *Slava Trudu*, N. 70 (7918), 11 September 1999, p. 1.

<sup>63</sup> “Problemy deportirovannykh na gosudarstvennom urovne” [Problems of the Deported on the State Level], *Krymskaya Gazeta*, N. 205 (15819), 5 November 1999, p. 1.

<sup>64</sup> *UNIAN news agency*, 21 May 1996, as distributed by *Reuters*.

<sup>65</sup> *Reuters*, 29 May 1999.

any chance of being represented in the Crimean legislative body, as in all of the electoral districts they constituted a minority.<sup>66</sup> Thus, there is not even a single representative of the Crimean Tatars in the republican parliament. As regards the legislative body of Ukraine, the Crimean Tatars are represented there by their two leaders - Mustafa Kırımoğlu and Refat Çubar, the former was elected from the *Rukh* in multi-mandate (party list) and the latter – in a single mandate district under the majoritarian system.<sup>67</sup> Nevertheless, this achievement of being represented at national level does not facilitate the solution of numerous problems at local level and the present situation forces the Crimean Tatars to continue the struggle for their basic rights.

So, it is clear that the lack of understanding and indifference towards the problems of the Crimean Tatars on the side of the officials in both Kyiv and Simferopol are the main factors that have been impeding the stabilisation of the situation on the peninsula, often provoking the Crimean Tatars to extremes in dealing with the problems, and straining the relationship between the *Meclis* and the governments of Ukraine and the Crimea. This lack of interest in the problems of the Crimean Tatars resulted in initiatives by some of their leaders to establish more radical parties.

### **1.5.2. Milli Firka, Adalet and its “Askers”**

One of such initiatives was promoted by the radical leader of the local *Meclis* in Bahçesaray, İlmi Ümer, who announced in July 1993 that he intended to re-establish

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<sup>66</sup> Natalya Belitser, “The Constitutional Process in the Autonomous Republic of Crimea in the Context of Interethnic Relations and Conflict Settlement,” (paper was presented at the “Fuzzy Statehood and European Integration in Eastern Europe” conference, University of Birmingham, England, on 10 March 2000), <http://www.iccrimea.org/nbelitser.html>, p. 7.



the *Milli Firka* (the same National Party that promoted Tatar self-government in 1917-18), which would stand for the establishment of an independent Crimean Tatar state. The *Milli Firka* was to impose Crimean Tatar as the only state language, and place more emphasis than the OCNM on the revival of Islam in the Crimea.<sup>68</sup> According to Ümer, both Russia and Ukraine are “occupying powers,” and struggle against them, as well as against the authorities of the Crimea, who were “a colonial administration,” was a priority. Unlike the OCNM and the *Meclis*, which are in favour of seeking an inter-ethnic accord and harmony by using peaceful means, the followers of this movement would approve all the necessary methods, even very extreme, in securing the rights for the Crimean Tatars.<sup>69</sup>

Although, the idea of the establishment of the *Milli Firka* was not brought into life as was intended, new initiatives on the creation of a similar kind of parties followed. Thus, on 13 March 1995, newspaper *Avdet* published the “Charter of the Crimean Tatar Nationalist Party “*Adalet*” [Justice]” and on 19 August of the same year the first congress that assembled 49 candidates of the party was held in Simferopol, where Server Kerim, the *Meclis* member, was elected as the party’s chairman.<sup>70</sup>

In many features, this newly formed party resembled the *Milli Firka* of Ümer, particularly on the issues such as religion, language, culture. From the speech of Server Kerim on this congress, it became obvious that the *Adalet* would take more radical stance towards many issues related to the Crimean Tatar problem than the

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<sup>67</sup> *Ibid.*

<sup>68</sup> “Partiya natsionalnogo vrozozhdeniya: Krymskotatarskaya partiya natsionalnogo vrozozhdeniya ‘Milli Firka’: Programnye Tezisy. (Proekt)” [The Crimean Tatar Party of National Revival “Milli Firka”: Programme Theses. (Project)], *Avdet*, N. 18 (83), 9 September 1993, p. 2.

<sup>69</sup> *Ibid.*

<sup>70</sup> *BBC Monitoring Service*, 21 August 1995, as distributed by *Reuters*.

*Meclis* does. Among its objectives, for instance, the *Adalet* leaders consider as a main priority the establishment of a national state of the Crimean Tatars within Ukraine and to secure 40% representation for them in local authority structures.<sup>71</sup> Thus, while the *Meclis* sets the same goal as its long-term objective, it does not make an emphasis on this issue permanently; taking into consideration the political realities, it tries to elude the contradictions this idea produces with the present Constitution of Ukraine and norms of international law and stresses the importance of the equal rights for all the nationalities inhabiting the peninsula.<sup>72</sup>

Their views also differ on the issue of the language. While the *Meclis* is rather silent on this issue, the supporters of *Adalet* put forward their demands for the Crimean Tatar to be used in all spheres of political and social life of the Crimea. The similar divergence of opinion is present with regards to the compensation of material losses of the Crimean Tatars. The *Adalet* members say that this compensation should come not only in the form of some payment, but “all the property criminally confiscated from the people during the deportation of 1944 must be reimbursed totally,”<sup>73</sup> whereas the *Meclis* is setting more realistic demands.

At the same congress in 1995, Server Kerim was talking about the settlement of the commercial and other structures to serve the Crimean Tatar interests and warned that any attempt on the rights of the nation would be met with resolute response by the “Crimean Tatar national liberation movement.”<sup>74</sup> No one at that time, actually, knew what the *Adalet* leader implied. However, later on, when news about the formation of

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<sup>71</sup> *Ibid.*

<sup>72</sup> Chervonnaya, *Krymskotatarskoe Natsionalnoe Dvizhenie...*, Volume 4, p. 91.

<sup>73</sup> *Ibid.*

<sup>74</sup> *BBC Monitoring Service*, 21 August 1995, as distributed by *Reuters*.

the military units, the so-called *askers* (soldiers), by the Crimean Tatars started to circulate in the Crimean newspapers, these words became a subject for speculation. Not many people in the Crimea felt apprehensive about the formation of the Russian Cossack units in Sevastopol, but many expressed anxiety when they heard that a similar kind of body was created by the radical Crimean Tatars.<sup>75</sup> It is clear that there are no such units at the moment, because it would be simply very difficult to keep them secret in a small place like the Crimea. The falseness of such information has been many times repeated by Kerim himself, but, at the same time, the leader of the *Adalet* has stressed that if necessary, it is possible to organise such forces at any time.<sup>76</sup>

It is hard to predict the future of this party. At present, it does not have many supporters. But it will continue to grow bigger if efforts by the governments of Ukraine and the Crimea to solve the problems of the Crimean Tatars are feeble. It is also noteworthy that despite the fact that the *Adalet* has its separate existence, be in no way it considered as an opposition to the *Meclis* and the OCNM. It is more appropriate to contemplate of it as of a radical force within, or next to, the mainstream movement.

### **1.5.3. The National Movement of the Crimean Tatars – Shadow of the Past**

It was often repeated in the press that the National Movement of the Crimean Tatars (NMCT) has disappeared from the political scene of the peninsula. This became more apparent when its leader, organiser and ‘ideology-maker,’ Yuriy Osmanov was

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<sup>75</sup> *BBC Monitoring Service*, 11 February 1995, as distributed by *Reuters*.

<sup>76</sup> *BBC Monitoring Service*, 7 August 1996, as distributed by *Reuters*.

murdered by street criminals on 6 November 1993.<sup>77</sup> He was replaced by Vasfiy Abdurayim, but then the party could not speak of itself loudly. Thus, the entire debate between the *Meclis* and the OCNM and the NMCT was over. The NMCT was advocating the re-establishment of the Crimean Autonomous Republic of 1921, formed with the decree of Lenin, and was oriented towards the Soviet power and the Communist Party, hoping that it would give back everything to the Crimean Tatars what was taken from them during the deportation.<sup>78</sup>

The organisation firstly re-initiated its activities in summer 1995 and it had at that time about 50 supporters. However, during the 1996 elections almost every vote of the Crimean Tatar was given in support of the *Qurultay* deputy faction candidates; the help from and alliance with the Meshkov's party did not help either.<sup>79</sup> Thus, it was very unlikely that it will ever become a serious opposition to the *Meclis* in the future.

As a surprise for many, however, in October of 1998 another appearance, and last until nowadays, of the NMCT had occurred. At that time it held its congress that gathered about 200 delegates. "Ukraine must voluntarily disavow as illegal the 1954 act on the transfer of Crimea to Ukraine and settle relations with the Crimean Autonomous Republic on a basis of an agreement together with Russia, Simferopol and commissioners of the Crimean Tatars," the final document adopted at the congress says.<sup>80</sup> There is no doubt that the party has strong support from the Russian Communists in the Crimea who help and want it to exist, though only in an artificial form. Having no supporters from within the Crimean Tatar population of the

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<sup>77</sup> *SWB*, 10 November 1993.

<sup>78</sup> Chervonnaya, *Krymskotatarskoe Natsionalnoe Dvizhenie*. Volume 4, p. 104.

<sup>79</sup> *Ibid.*, p. 105.

<sup>80</sup> *ITAR-TASS*, 18 October 1998; *Reuters*, 20 October 1998.

peninsula, the NMCT with its pompous name, tried to create the impression that would show that not every Crimean Tatar shares the methods and goals of the *Meclis*. Sometimes it helps, especially when people with no basic knowledge about the Crimean Tatars tried to deal with the question. Thus, for instance, some Western newspapers, when talking about the congress of the NMCT, headed the news' lines "Tatars Call on Ukraine to Give Up [the] Crimea," grossly misportraying the stance of the overwhelming majority of the Crimean Tatar people.<sup>81</sup>

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<sup>81</sup> *BBC Monitoring Service*, 21 October 1998, as distributed by *Reuters*.

## CHAPTER II

### THE CONSTITUTIONAL PROCESS IN THE CRIMEA IN THE CONTEXT OF INTER-ETHNIC RELATIONS: 1990-1995

#### 2.1. The Formation of Crimean Autonomy

Demands for the restoration of the Crimean autonomy appeared in the middle of 1989, at the time when the Ukrainian Supreme Soviet was preparing a law on the Ukrainian language and the Ukrainian nationalist party *Rukh* started to emerge as a serious political force – the democratic opposition to the ruling regime.<sup>1</sup> These demands became even more evident after Ukraine had declared its state sovereignty in July 1990, and it was actually the Communist Party members who started to mobilise public opinion in support of the Crimean self-determination. The presence of all-Union assets such as tourist resorts, ministerial dachas, sanatoria, and of a large number of military personnel and retirees was making the CPC one of the most conservative in the old USSR. Thus the rise of Ukrainian nationalism and a large-scale return of the Crimean Tatars was profoundly disturbing to the CPC leaders. As a result, hoping to be isolated from both threats, Nikolay Bagrov, who was head of the Crimean *Oblastnoy* [regional] Soviet, and his allies initiated a campaign for the maintenance of Crimean independence – of the Crimean ASSR to be a subject of the USSR.<sup>2</sup>

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<sup>1</sup> Roman Solchanyk, “The Politics of State Building: Centre-Periphery Relations in Post-Soviet Ukraine,” *Europe-Asia Studies*, 1994, Vol. 46, Issue 1, p. 50.

<sup>2</sup> Andrew Wilson, “The Crimean Tatars,” p.12.

The first serious step by the Crimean authorities in this direction was taken in September 1990, when it prepared an appeal to the USSR and RSFSR Supreme Soviets asking them to nullify the 1945-46 decisions abolishing the Crimean autonomy. Two months later the Crimean authorities issued a declaration, claiming that these decisions were unconstitutional and that the “Crimeans were entitled to the restoration of their statehood in the form of the Crimean ASSR “as a subject of the USSR and a party to the Union treaty.”<sup>3</sup> At the same time, it was decided that a referendum on the question of statehood would be held on 20 January 1991. 81.4% of the eligible voters gave an affirmative answer to the establishment of the Crimean ASSR as a subject of the USSR. Before the referendum it was repeated that all the deported nations were highly encouraged to participate in the voting, however, the Crimean Tatars, supported by the *Rukh*, the Ukrainian Republican Party, and the Democratic Party of Ukraine simply boycotted it.<sup>4</sup> The Crimean Tatars expressed the reasons behind the decision not to take part in the referendum in the statement of the Central Committee of the OCNM of 8 March 1991, where it was stressed that the decisions concerning the “legal status of national territories can not be determined by an arithmetic majority of the population, moved in from other territories, and of military servicemen. This kind of practice is a gross violation of the rights of the nations on self-determination and a cause for serious ethnic conflicts.” In the Crimean case, the determination of its legal status by this kind of referendum the declaration said it was the continuity of a long history of the criminal policy of the Russian Empire and the Soviet Union towards the Crimea’s native population.<sup>5</sup>

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<sup>3</sup> Roman Solchanyk, “The Politics of State Building...,”p. 50.

<sup>4</sup> *Ibid.*, Roman Solchanyk, “Ukrainian Russian Confrontation over the Crimea,” *RFE/RL Research Report*, 21 February 1992.

<sup>5</sup> Text of the statement in S. M. Chervonnaya and M. N. Guboglo, *Krymskotatarskoe Natsionalnoe Dvizhenie: Dokumenty, Materialy, Khronika* [The Crimean Tatar National Movement: Documents, Materials, Chronicle], Volume 2, Moscow 1992, p. 103

However, it did not take long for the Ukrainian Supreme Soviet to approve the new status of the peninsula and it was acknowledged in a law dated 12 February 1991, “On the Renewal of the Crimean Soviet Socialist Republic.” This law was ratified in the same day and became binding with the entry of the new amendments into the Crimean Constitution on 6 June 1991.<sup>6</sup>

Nevertheless, it is really difficult to accept this decision as having legal force, because there are certainly some errors, which had been overlooked. First of all, as the law from 12 February 1991 talks about “the restoration of the Crimean ASSR on the territory of the Crimean *oblast* within the Ukrainian SSR,”<sup>7</sup> it simply misses the fact that there had never been a Crimean ASSR within the UkrSSR. The Crimean ASSR was both established and liquidated within the RSFSR by means of the actions taken by the Supreme Soviets of the USSR and RSFSR. Thus, there was an error as restoration might occur only of something that had previously existed, but there had never been a connection, as claimed in this law, between the UkrSSR and the Crimean ASSR.<sup>8</sup>

The second mistake lied in the fact that in accordance with the formulation of a question asked on the referendum, people were voting for the establishment of a separate republic as it was intended to be a party to the Union treaty and subject to the USSR. However, the law of the Ukrainian Supreme Soviet recognised the establishment of the Crimean ASSR within the boundaries of Ukrainian SSR. Thus, the results of the referendum must be considered as non-binding.

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<sup>6</sup> Pikhovshek, p. 40.

<sup>7</sup>Text of the law in S. M. Chervonnaya and M. N. Guboglo, *Krymskotatarskoe Natsionalnoe Dvizhenie...*, Volume 2, p. 103

<sup>8</sup> *Ibid.*, pp. 40-41.



Finally, neither a Ukrainian nor a Crimean referendum law was in existence at that time.<sup>9</sup> This also renders the results of the referendum invalid.

Despite all these disputable points of the decision, autonomy was established. “The Crimean Tatars were now forced to face the fact that their traditional nostalgia for the Crimean ASSR was somewhat misplaced.” They knew that the restoration of 1991 with the local communist elite firmly in charge would not do anything for the Crimean Tatars, but would make things even worse, as now they had to deal not with the central Soviet government, which at that time was going increasingly pro-Tatar, but with people who thought of the Crimean Tatars certainly as a threat.<sup>10</sup>

Instead of accepting an offer from Bagrov of seven places in the ‘new’ parliament, the Crimean Tatars organised elections of their own representative assembly - the *Qurultay*, the preparation for which started already on 23 September 1990. All the Crimean Tatars over the age of 16 were able to vote from October 1990 to June 1991 in order to choose one delegate for each 1000 people.<sup>11</sup> This campaign was really difficult to sustain as the Crimean Tatar population was dispersed throughout the whole Soviet Union. However, most intensively the work was going on in the Crimea and Uzbekistan as 120,000 of the Crimean Tatars were then living in the Crimea and the majority was still in the Central Asia.

Held on 26-30 June 1991 the Second *Qurultay* had gathered 262 delegates, who issued the “Declaration of National Sovereignty of the Crimean Tatar People” on 28 June stating that “the Crimea is the national territory of the Crimean Tatar people, and

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<sup>9</sup> Roman Solchanyk, “Ukrainian Russian Confrontation over the Crimea,” pp. 28-29.

<sup>10</sup> Andrew Wilson, “The Crimean Tatars,” p. 12.

only they have the rights to self-determination in accordance with accepted norms of international law. The political, economic, spiritual and cultural rebirth of the Crimean Tatars is only possible in their own sovereign national state.” But, very importantly, the Declaration also stated that “relations between the Crimean Tatars and other national and ethnic groups inhabiting the Crimea must be based on mutual respect and recognition of human and civic rights.”<sup>12</sup> The same kind of thoughts were expressed in the appeal of the *Qurultay* to the all Crimean population, which said that the mass return of the Crimean Tatars to their sole native land did not mean an attempt on the Crimean people’s political, cultural, religious and other rights and stressed the importance of “respect for national feelings and human dignity of all nations.”<sup>13</sup> On the same *Qurultay* the delegates elected plenipotentiary body – the *Meclis* and its members, adopted a state flag and hymn, decided to restore the Latin alphabet, forcibly changed in 1938 to Cyrillic, for the Crimean Tatar language.<sup>14</sup>

Not surprisingly, the Crimean Supreme Soviet, in its resolution dated 29 July 1991, immediately denounced the *Meclis* and other related organs, their activity and the documents issued by these organisations as illegal and claimed them to be contrary to the Constitution of the UkrSSR and USSR. It also accused the *Qurultay* of the attempt to create “parallel structures of power.”<sup>15</sup>

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<sup>11</sup> S. M. Chervonnaya, *Krymskotatarskoe Natsionalnoe Dvizhenie...*, Volume 3, pp. 103-104.

<sup>12</sup> Text of the “Declaration of Sovereignty of the Crimean Tatar People” in *Emel*, No. 184, May-June, 1991, pp. 2-3 and in S. M. Chervonnaya and M. N. Guboglo, *Krymskotatarskoe Natsionalnoe...*, Volume 2, p. 110.

<sup>13</sup> Text of the “Appeal to All Inhabitants of the Crimea” in *Emel*, No. 185, July-August, 1991, p. 7 and in S. M. Chervonnaya and M. N. Guboglo, Volume 2, p. 113-114.

<sup>14</sup> Text of the resolutions of *Qurultay* in *Emel*, No. 185, July-August, 1991, p. 10.

<sup>15</sup> Text of the “Resolution of the Supreme Soviet of the Crimean ASSR on the Congress of the Crimean Tatars” in S. M. Chervonnaya and M. N. Guboglo, Volume 2, pp. 122-124.

Interestingly enough, the decision of the Crimean Supreme Soviet to eliminate the *Qurultay* and the whole Crimean Tatar movement came on 20 August 1991, when the famous putsch was still going on with the *GKChP* (governmental committee for the state of emergency) people in power. However, this attempt was not a successful one as the “weapons” the Crimean authorities were thinking of using for the achievement of their goal – the constitutions of the USSR and UkrSSR – with the failure of the coup ceased to have any power.<sup>16</sup> The Ukrainian declaration of independence on 24 August 1991 and approval of it by the Ukrainian people that followed with the referendum of 1 December of 1991 were the sequential steps that finally led to the collapse of the old regime and the beginning of a new epoch.

However, this new epoch did not take off in the Crimea, where, despite all the developments that had taken place on the territory of the Soviet Union in 1991, not many things changed. One could understand this simply by looking at the people who were in power before and after the collapse of the USSR. The Crimean authorities, who were trying to eliminate the *Qurultay* and its structures on 20 August and whose connection to the putsch was not ‘clear,’ were in power not only during the immediate aftermath of the 1991 events, but exactly until the elections of 1994.<sup>17</sup>

On 29 August 1991, the Crimean Republican Committee of the Communist Party was closed down. The country as a whole was seen to undergo a process of massive democratisation, but the Crimean authorities, aware of the fact that everyone’s attention at that time was focused on more important things such as Ukrainian independence and fate of the Soviet Union, were desperately trying to devise clever

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<sup>16</sup> Chervonnaya, *Krymskotatarskoe Natsionalnoe ...*, Volume 3, p. 34.

<sup>17</sup> *Ibid.*, pp. 34-35.

tactics in order to remain in power and to get a broader sphere of political influence. For example, on 29 August 1991, on the special session of the Supreme Council of the Crimean ASSR, the deputies had a vote of confidence in favour of their Chairman Bagrov, thus removing the issue of his support for the *GKChP* people and giving him and themselves an opportunity to carry on with their traditional policies.<sup>18</sup>

## **2.2. The Beginning of the Crimean Separatism**

For Ukraine it was really the beginning of a new era, however, its independence at the same time meant the beginning of political crisis, which was mostly related with the situation in the Crimea. On 4 September 1991, the Supreme Soviet of Crimean ASSR declared state sovereignty of the Crimea as a constituent part of Ukraine and the “supremacy, unity, and indivisibility of the Crimean ASSR.”<sup>19</sup> And, with the law on the “Government Power Structure of the Crimean ASSR” from September 10, 1991 all the energy of the Crimean authorities was directed on the preparation and correction of the project of new constitution, according to which the Crimea was to be a presidential republic, though within Ukraine, but not possessing the status of *oblast* or autonomy. This project envisaged the Crimea as a state that would be independent enough of implementing its own foreign, economic, and social policies; and, this plan was accepted by the Crimean deputies on 26 December 1991.<sup>20</sup>

Of course, it was hard to believe that Ukraine would accept the constitution in that form; it was also difficult to assume that the Crimean Tatars would approve the draft where their name was not mentioned. Actually, it must be added that despite the

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<sup>18</sup> *Ibid.*, p. 36.

<sup>19</sup> *Pravda Ukrainy*, 7 September, cited in Roman Solchanyk, “The Politics of State Building...,” p. 50.

absolutist attitude of the *Meclis*, since 1991 formally committed to establishing the Crimean Tatar national state, its leaders had often shown flexibility and understanding of political realities when dealing with the Crimean authorities. At this time, the *Meclis* had proposed its own draft of the constitution, according to which the parliament of the Crimea would have two-chambers, the lower one would be the Soviet of People's Representatives consisting of 100 members elected from territorial constituencies and the upper one (50 members) would represent the indigenous population of the peninsula, including the Crimean Tatars, the Krymchaks and Karaims, and would defend their rights and interests in the Crimean Supreme Soviet (Article 93). The President would be elected by the universal suffrage but, again, his power would be checked by a Vice-President, elected by the *Qurultay* from the number of candidates nominated "in agreement with the President of Republic" (Article 109).<sup>21</sup> The draft constitution elaborated by the *Meclis* was based on the democratic norms and was meant to protect all kind of rights and legal interests and equality of all the nationalities inhabiting the peninsula.

Similar demands were made by 8,000 of the Crimean Tatars, who gathered at a rally on 16 February 1992 in the centre of Simferopol, where the resolution "On the Political Situation in and around the Crimea and the State (situation) of the Crimean Tatars" was adopted. Among other things, the participants of the meeting accused the government of Ukraine of inaction with regard to the problem of deported peoples and the Crimean establishment - of taking an advantage of this inaction; they requested the *Meclis* to declare its people to be fighting for their liberation if the

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<sup>20</sup> Chervonnaya, *Krymskotatarskoe Natsionalnoe ...*, Volume 3, p. 36.

<sup>21</sup> "Konstitutsiya Respubliki Krym" [Constitution of the Crimean Republic], *Avdet*, N 1 (40), 12 January 1992, pp. 3-7; *Dostluq*, N. 2-3 (133), 11 January 1992, pp. 1-8; also see in S. M. Chervonnaya and M. N. Gubolo, *Krymskotatarskoe Natsionalnoe ...*, Volume 2, pp. 144-172.

present situation not changing. The resolution demanded participation of the Crimean Tatars in the settling of the problem on the status of the peninsula, protection of the political, economic and cultural rights of all people of the Crimea, and recognition of the present borders between Russia and Ukraine.<sup>22</sup> The Crimean authorities, however, were not only turning a deaf ear on the demands of the Crimean Tatars, but were seeking all the possible means to avoid pressure for its activities from Kyiv.

This period, the beginning of 1992, could be considered as the starting point of separatist movement in the Crimea, the main driving force behind which was the RMC that at that time had already initiated a campaign of collecting signatures in support of the referendum for independence. This action went into full swing and within a few months the electoral authorities declared that about 247,000 signatures, much more than 180,000 that required by law, were collected.<sup>23</sup>

The reaction of most of the political forces in Ukraine on these developments was very negative and they demanded the immediate dissolution of the Supreme Council of the Crimea and installation of direct presidential rule from Kyiv; they also wanted the prohibition of the activities of separatist-minded groups.

The Ukrainian government also understood the importance of its alliance with the Crimean Tatars in the 'fight' against the separatist pro-Russian movement in the Crimea. For instance, on the initiative of the Ukrainian government, on the meeting of the heads of the CIS states on 20 March and 15 May 1992, the issue of the restoration

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<sup>22</sup> "Konstitutsiya Kryma: Dialog ili Konfrontatsiya"[Constitution of the Crimea: Dialog or Confrontation], *Avdet*, N. 4 (43), 20 February 1992, p. 1; Chervonnaya, *Krymskotatarskoe Natsionalnoe ...*, Volume 3, , p. 37-38.

<sup>23</sup> *Reuters*, 9 April 1992.

of the rights of the deported peoples was brought on the agenda. However, this initiative received negative feedback from the leaders of the Central Asian republics, Kazakhstan and Russia, though, if accepted, such decision could contribute greatly to the mass repatriation of the Crimean Tatars.<sup>24</sup> Additionally, on 27 March 1992, the Presidium of the Supreme Council of Ukraine passed a resolution, expressing responsibility and care for the situation with the Crimean Tatars.<sup>25</sup>

Actually, beginning from the summer of 1992, the authorities in Kyiv started to pay more and more attention to the problem of the Crimean Tatars. Thus, at the beginning of August, the draft law of Ukraine “On the Status of the Crimean Tatars” was prepared by a special commission, in accordance with which the right of self-determination of the Crimean Tatars was accepted; it was said that “Ukraine is the Motherland not only of the Ukrainian people, but also of the Crimean Tatars.”<sup>26</sup> Although, this draft never became a law, yet the consideration of such a proposal meant that the Ukrainian legislative body was examining the theoretical elaborations of the Crimean Tatar national movement. However, it is clear that the support of the Crimean Tatars would not be enough for the stabilisation of the situation. The Ukrainian government still had to deal with those Crimeans who were striving for independence.

The national government knew that in order to retain the Crimea within Ukraine it would have to make some concessions, otherwise the consequences could be

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<sup>24</sup> L. Bucurova, “Politika bez npravstvennosti” [Undignified Politics], *Avdet*, N. 11 (50), 29 May 1992, p. 2.

<sup>25</sup> Chervonnaya, *Krymskotatarskoe Natsionalnoe...*, Volume 3, pp. 84-85; V. Durdunets, “V Prezidiume VS Ukrayiny” [In the Presidium of Ukraine’s Parliament], *Avdet*, N. 7 (46), 2 April 1992, p. 1;

<sup>26</sup> *Ibid.*; *Avdet*, N. 17 (56), 20 August 1992, p. 3.

unpredictable. Thus, a parliamentary delegation from Kyiv, led by the Deputy Chairman, Volodymyr Hryniov, was sent to the Crimea to negotiate with the local parliamentarians. These negotiations resulted in the signing of an agreement between the Supreme Soviet of Crimea and *Verkhovna Rada* of Ukraine on a free economic zone on the territory of peninsula, as well as the Bill “On Separation of Powers of Ukraine and the Republic of Crimea,” which was examined and approved on 2 April 1992 by the Crimean Parliament (119 votes in favour) and then was submitted for approval to Kyiv.<sup>27</sup> However, the Ukrainian parliamentarians, when examining this draft law on 29 April 1992, were not very enthusiastic about it, because adoption of such law was to imply that the both Crimean and Ukrainian Parliaments are absolutely equal “as the subject of legal relations,” which was possible only in a case of the Crimean-Ukrainian confederation.

The Ukrainian deputies finally passed the Bill, but changed the name of the law to “On the status of Autonomous Republic of Crimea.”<sup>28</sup> Thus, in accordance with the new law, which stated that the Republic of Crimea is an autonomous part of Ukraine and decides independently on all issues within its competence, the Crimean peninsula was granted unprecedented freedom, i.e. local authorities were empowered to decide on a wide range of issues, including their own constitution, financial and social policies, deployment of Ukrainian troops on the territory of peninsula.<sup>29</sup> This step was intended apparently at forestalling the referendum and avoiding political tensions on the peninsula. But, it was still not very probable that it would be enough to stop this movement. First evidence of dissatisfaction with this decision was expressed by the

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<sup>27</sup> *The Crimea: Chronicle of Separatism: 1992-1995*, Ukrainian Centre for Independent Political Research, Kyiv, 1996, p. 8; Roman Solchanyk, “The Politics of State Building...,” p. 51.

<sup>28</sup> *The Crimea: Chronicle of Separatism...*, pp. 13-14; *Reuters*, 29 April 1992.

<sup>29</sup> *Reuters*, 29 April 1992



deputies of the Crimean parliament who during the session of the Ukrainian *Verkhovna Rada* where the draft was considered “stormed out of the chamber during the debate, saying they wanted independence and not mere autonomy.”<sup>30</sup> The Crimean Tatars were not pleased either. Statement of the *Meclis* was saying that ratification of such law did “release our people from any moral and political obligations relating to the Ukrainian State as the lawful sovereign power in the Crimea.”<sup>31</sup>

### 2.3. The Assertion of Independence and the Centre’s Reaction

Despite the concessions made by the Ukrainian government, pressure in the Crimea continued to grow and this led to the adoption (118-in favour, 28-against, 21-abstentions) on 5 May 1992 of the Act of State Independence of the Republic of Crimea.<sup>32</sup> The independence declaration was made subject for approval to local referendum scheduled for 2 August,<sup>33</sup> where the voters now had to answer two questions: “Are you for an independent Republic of Crimea in union with other states?” and “Do you approve of the act declaring the state of independence of the Republic of Crimea?” The Crimean Tatar *Meclis* immediately denounced as illegal and against the norms of international law the “Act of State Independence” and demanded from the President and Ukrainian Supreme Soviet the abolishment of all power structures of the Crimea which were separate from Kyiv<sup>34</sup>

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<sup>30</sup> *Ibid.*

<sup>31</sup> Text of the “Statement of the Meclis of the Crimean Tatar People relating to the Agreement Between Delegations of the Ukrainian and Crimean Parliaments on Division of Powers,” *Avdet*, N. 9 (48), 2 May 1992, p. 1; *The Crimea: Chronicle of Separatism...*, p. 9.

<sup>32</sup> *Dostlug*, N. 21 (151), 16 May 1992, p. 3; *The Times*, 6 May 1992, as distributed by *Reuters*.

<sup>33</sup> Text of “The Act on Proclamation of State Independence of the Republic of Crimea,” in *The Crimea: Chronicle of Separatism...*, pp. 16-17.

<sup>34</sup> Text of the “Statement of the *Meclis* of the Crimean Tatars on the Situation in the Crimea Concerning the Adoption of the Law of Ukraine “On the Status of the Autonomous Republic of the

But, in all likelihood, the Crimean deputies knew the kind of reaction that would follow from Kyiv and, Nikolay Bagrov, the parliamentary Chairman, in an attempt to soften the situation said “the independence declaration was not tantamount to secession from Ukraine.”<sup>35</sup> However, the text of the declaration clearly explains the meaning of this decision. It states that the “*Verkhovna Rada* of the Republic of Crimea declares: the establishment of a sovereign state – the Republic of Crimea,” which “will establish its relations with other states in accordance with the international law, in terms of equality and cooperation.”<sup>36</sup>

The centre’s response was instantaneous and unequivocal. On 6 May 1992, at the meeting of the Presidium of the *Verkhovna Rada* of Ukraine it was stated that the decisions adopted by the Crimean authorities were unconstitutional.<sup>37</sup> Leonid Kravchuk, then the Ukrainian president, who was at that time on an official visit to the USA also asserted that the Act was a gross violation of the Ukrainian constitution and added that Ukraine would not treat this declaration as valid.<sup>38</sup>

The full parliament of Ukraine met on 13 May and adopted a resolution recognising the act on independence and referendum as such that run counter to the Ukrainian constitution and demand annulment of these decision by May 20, 1992; it also offered a continuation of a dialogue with representative bodies of the Crimea in terms of the

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Crimea,” of the “Act of State Independence of the Crimea,” and of the Constitution of the Crimea,” *Avdet*, N. 10 (49), 14 May 1992, pp. 1-2; Chervonnaya, *Krymskotatarskoe Natsionalnoe ...*, Volume 3, pp. 134-135.

<sup>35</sup> Roman Solchanyk, “The Politics of State Building...,” p. 51.

<sup>36</sup> Text of “The Act on Proclamation of State Independence of the Republic of Crimea,” in *The Crimea: Chronicle of Separatism...*, pp. 16-17.

<sup>37</sup> *Ibid.*, pp. 15-16.

<sup>38</sup> *Ibid.*, p. 23.

Constitution and Law of Ukraine on the status of ARC.<sup>39</sup> There was a lot of pressure from the Ukrainian political forces on the government to introduce direct presidential rule on the peninsula and to dissolve the Crimean parliament and many people thought that it would be done so, but against all forecasts the *Verkhovna Rada* of Ukraine provided the Crimean authorities with opportunity to correct all mistakes. Although, already on the next day after the declaration of independence, on 6 May 1992, the Crimean parliament, when adopting a constitution, included the article on the “Crimea’s belonging to Ukraine,” Kyiv’s inflexible stand had a sobering effect on the Crimean politicians. Thus, on the special session of the Crimean parliament on 23 May 1992, a resolution cancelling the act on independence, proposing the suspension of the Law of Ukraine “On Status of the Autonomous Republic of Crimea” and of the consideration of the law on representation of the President of Ukraine in the Crimea, and suspending the resolution on referendum until 10 June [in order to consult with the electoral committee organising referendum] was adopted.<sup>40</sup>

The dialogue between Kyiv and Simferopol was resumed on 1 June in Yalta, which resulted in the issuing of a joint statement of the Presidiums of the Supreme Councils of Ukraine and Crimea saying, *inter alia*, that

“[T]he Crimea, being a part of Ukraine, shall be provided with all legal and political conditions to realise its potential proceeding from its geographic position, have the economy open for foreign investments and become a zone of fruitful economic and cultural cooperation. Not striving for the status of political international legal entity enjoyed by Ukraine, the Crimea shall have the right to enter into relations with other states in socioeconomic and cultural domains.”<sup>41</sup>

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<sup>39</sup> L. Bucurova, “Krym-Ukrayina: Duel Prodolzhaetsya” [The Crimea-Ukraine: Conflict Continues], *Avdet*, N. 10 (49), 14 May 1992, p. 1; *Daily Telegraph*, 14 May 1992, as distributed by *Reuters*; Text of the “Resolution of the *Verkhovna Rada* of Ukraine on Political Situation Resulting From the Decisions Taken by *Verkhovna Rada* of the Crimea on May 5, 1992” in *ibid.*, pp. 23-26.

<sup>40</sup> Text of the resolution in *The Crimea: Chronicle of Separatism...*, p. 31.

<sup>41</sup> Text of the “Statement on the Results of Consultative Meeting of the Presidium of the Supreme Council of Ukraine and the Presidium of *Verkhovna Rada* of the Crimea” in *ibid.*, p. 36.

It was also agreed to set up the joint group by June 5, 1992 to continue the work on division of powers between the governments of Ukraine and Crimea proceeding further from the previously reached agreements. Thus, by the end of the month, the compromise solutions were found to almost all the disputable issues, particularly regarding citizenship of the inhabitants of peninsula (joint Crimean-Ukrainian citizenship was agreed) and their property rights (the Crimeans got property rights for all the land and natural resources on the territory of peninsula).<sup>42</sup> The power-sharing scheme with the new amendments was subsequently approved by the Crimean parliament. However, its Ukrainian counterpart ruled that this law would enter into force only after the Crimean constitution and legislation were brought in line with the national constitution and laws and the idea of referendum forgotten.<sup>43</sup> Thus, with the proposal of Nikolay Bagrov, on the session of the Crimean parliament on 9 July 1992, it was decided to place a moratorium on referendum with 106 votes in favour, 17 – against, and 7 abstentions.<sup>44</sup>

Thus, a kind of a middle course between the centre and periphery was found. But, even at that time it was clear that the problem was not over. Although, the Crimean authorities got most of what they wanted and the poorly formulated law “On Division of Powers” practically separated the Crimea from Ukraine, it would be important to note that Kyiv in its policies was relying only on Bagrov’s team, therefore, ignoring the interests of its other supporters. Most importantly, their final so-called compromise in no way facilitated solution of the problem of the Crimean Tatars, the only organised force determined to defend Ukrainian interests on the peninsula. It was obvious that the Ukrainian authorities understood this fact, but in reality there were

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<sup>42</sup> *Reuters*, 30 June 1992.

<sup>43</sup> Roman Solchanyk, “The Politics of State Building...,” p. 52.

more mistakes than correct actions in Kyiv's policy towards the Crimean Tatars. For instance, recognition of autonomy on a territorial base gave a free way to the separatists and became a source for social tensions. Secondly, the Ukrainian authorities rejected direct dialogue with the *Meclis* and refused to grant it a status of the only representative body of the Crimean Tatars, who then did not have any chance to participate even in the process of division of powers; on the contrary, Kravchuk called the activities of the *Meclis* unconstitutional. Thirdly, the money set aside for the resettlement of the deportees had been used by the Crimean authorities to "patch up the holes in local economic infrastructure" and by doing so, they said they improved the overall situation of economy what was very beneficial for the new returnees. But only 26,500 out of 180,000 of the Crimean Tatars were living in normal houses and others were spending cold winters in tents and wagons.<sup>45</sup> Thus, aggravation of the situation was very probable. At the same time, the Crimean parliament had still at its disposal the referendum threat, which they could use whenever they wanted and their quest for independence was still very intense. More significantly, the half of the Crimean parliament representing the RMC was not hiding that its intention was not simply to establish an independent state but to re-unite the Crimea with Russia, what could question the very existence of Ukraine.

#### **2.4. Elections to the Supreme Soviet of Crimea and the Question of 'National Quotas'**

The tensions intensified in 1993, the time when Ukraine was experiencing hyperinflation and deep economic crisis, whereas Russia seemed to do in this respect

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<sup>44</sup> *Reuters*, 9 July 1992; *The Crimea: Chronicle of Separatism...*, p. 43.

<sup>45</sup> *The Crimea: Chronicle of Separatism...*, p. 52.

far better. In an attempt to take an advantage of this situation, the Crimean parliament adopted a number of laws and resolutions strengthening the Crimean autonomy.<sup>46</sup> For instance, the legislative body passed on 17 September 1993 the law “On Elections of the Crimean Parliament” and on 14 October 1993 – the law “On Elections of the President of the Republic of Crimea.”<sup>47</sup> Dissatisfied with the work of the local parliament, actually, with its inability to promote effectively a cause of independence, the RMC already in March of 1993 had declared its intention to gather signatures to hold a referendum in support of pre-term elections to the Crimean parliament.<sup>48</sup> In August of the same year, it was reported that the campaign had ended and 198,000 signatures in favour of the termination of the plenary powers of the parliament had been collected.<sup>49</sup> However, the central electoral commission revealed a number of violations and withdrew almost 13,000 signatures,<sup>50</sup> therefore rendering another attempt at holding a poll unsuccessful. But, the RMC showed again its desperate desire to get power as soon as possible and that it would not leave everything as it was.

More attention during 1993, though, was directed to the issue of ‘national quotas’ for the Crimean Tatars. The very concept of ‘national quotas’ or disproportionate representation of the Crimean Tatars in the authority structures of republic could simply be justified by the fact that there was not a single deputy representing these people in the local parliament as they constituted a minority in every electoral district. Only a few of the Crimean authorities could understand the significance of finding of

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<sup>46</sup> Belitser, p. 3.

<sup>47</sup> *Avdet*, N. 19 (84), 23 September 1993, p. 1; *Avdet*, 22 (87), 11 November 1993, p. 2; *The Crimea: Chronicle of Separatism...*, p. 70;

<sup>48</sup> *SWB*, 26 March 1993.

<sup>49</sup> *BBC Monitoring Service*, 20 August 1993 as distributed by *Reuters*; according to some other sources the number of signatures collected was 195,000.

solution to this problem, but it was clear that it would be very difficult to make the rest of the Crimean deputies, who were generally very anti-Tatar, to accept any proposition regarding the granting of special rights to the Crimean Tatars. “Some say that there must be no exceptions for anybody, but I am profoundly convinced that in order to attain inter-ethnic conciliation a mechanism needs to be devised to ensure that the deported peoples are duly presented in parliament...Perhaps, ethnic electoral districts should be set up,” once said Nikolay Bagrov in his speech to the Crimean Presidium.<sup>51</sup>

As it was noted earlier, the Chairman of the Crimean Supreme Soviet in March 1991 had proposed a quota of seven seats for the Crimean Tatar deputies (1 deputy for 10,000 eligible voters), however, as with the establishment at that time of the Crimean ASSR the overall number of deputies increased substantially, this offer could not satisfy the needs of the Crimean Tatars and therefore was rejected by the *Meclis*.<sup>52</sup> On its side, the *Meclis* had suggested its own solution to this problem through the introduction of a two-chamber parliament in the Crimea - the proposal that emerged in the alternative project of the Constitution for the Crimean republic prepared by the Crimean Tatar National Assembly. As this project was not put into practice, the representatives of the Crimean Tatars started to make new proposals that could still meet the interests of its people. Thus, “taking into consideration today’s political and demographic realities, the *Meclis* elaborated its own variant of the law on elections, in accordance with which every citizen of the Crimea would have two votes, one - in territorial single-mandate electoral district and second – either in multi-mandate (party lists) or in national single-mandate (for the Krymchaks, Karaims, Armenians,

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<sup>50</sup> *BBC Monitoring Service*, 1 September 1993 as distributed by *Reuters*.

<sup>51</sup> *SWB*, 17 March 1993.

Bulgarians, Greeks, and Germans) or for the Crimean Tatars in multi-mandate district.”<sup>53</sup> It was thought that the Crimean Tatars would be able to get 22 seats for their deputies. Another proposition was to grant the Crimean Tatars “one-third plus one” of the parliamentary seats in order to enable them to veto the resolutions contradicting their interests; however, none of the alternatives was acceptable for the Crimean authorities.

In the summer of 1993, on the initiative of Bagrov, a proposition for granting the Crimean Tatars 14 seats in the legislative body was put on the agenda of the parliamentary session, but again was rejected by the majority of the deputies, vigorously speaking against the offering of any privileges to the minorities.<sup>54</sup> The unwillingness of the Crimean Supreme Council to find a compromise generated a very negative reaction of the Crimean Tatars, five thousand of whom gathered in front of the building of the Crimean government on 28 September to express their protest;<sup>55</sup> the next day demonstrations spread from the capital and similar demonstrations, supporting the Crimean Tatars, were organised in London, Bonn, and other European cities.<sup>56</sup> Some Ukrainian parties also indicated a negative stance regarding developments on the peninsula and expressed full support for the Crimean Tatars. Thus, *Rukh* in its statement declared that while the law on elections gave “virtually no opportunity for the proper representation in the parliament of the indigenous peoples and the national minorities,” it was simply a “manifestation of discriminating against and ignoring the human rights of those who suffered from the communist totalitarian

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<sup>52</sup> Chervonnaya, *Krymskotatarskoe Natsionalnoe ...*, Volume 3, p. 40.

<sup>53</sup> Lütfi Osmanov, “Maski, Demokratov Sbrosheny,” *Avdet*, 19 (84), 23 September 1993, pp. 2-3.

<sup>54</sup> L. Budcurova, “Press-konferentsiya v Verkhovnom Sovvete” [Press Conference in the Supreme Soviet], *Avdet*, 19 (84), 23 September 1993, p. 1; *Reuters*, 28 September 1993.

<sup>55</sup> “Khronika Protesta” [Chronicle of Protest], *Avdet*, 20 (85), 7 October 1993, p. 1.

<sup>56</sup> *Ibid.*; Chervonnaya, *Krymskotatarskoe Natsionalnoe ...*, Volume 3, p. 42.



regime” and that at present these rights were “being encroached upon by the authorities.”<sup>57</sup> A statement of the Ukrainian Conservative Republican Party has noted that the law “aims at all costs to prevent their [the Crimean Tatars’] return to their homeland.”<sup>58</sup>

It must be said that all these mass protests on and outside the territory of the peninsula had had a positive effect and on 14 October 1993 an addition to the law “On Elections to the Supreme Council of Crimea” was adopted by 115 out of 153 deputies voting in favour of this resolution. In compliance with this addition, representatives of the Crimean Tatars were to receive 14 mandates, while Armenians, Bulgarians, Greeks, and Germans (but not Krymchaks and Karaims) would be able to choose one deputy each.<sup>59</sup> It was also said that the candidates for these quotas could be members of the political parties and movements/blocs, cultural and social organisations, and also of the national congress of the Crimean Tatars – the *Qurultay*; it was not clear, however, whether the *Meclis* would accept participation in the elections as the 14-seats quota was obviously not enough to change the situation substantially.<sup>60</sup>

Therefore, in order to discuss all the questions related to the parliamentary elections the third - emergency session of the *Qurultay* was held on 28 November 1993 where, after considering all the pros and cons, it was decided to participate in the

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<sup>57</sup> *Meclis-Inform*, “Rukh Zayavlyayet” [Rukh States], *Avdet*, 20 (85), 7 October 1993, p. 1; *BBC Monitoring Service*, 14 October 1993, as distributed by *Reuters*.

<sup>58</sup> *Reuters*, 14 October 1993.

<sup>59</sup> Text of the law in *Avdet*, 21 (86), 21 October 1993, pp. 1-2; *FBIS-SOV-93-198*, 15 October 1993; *BBC Monitoring Service*, 20 October 1993, as distributed by *Reuters*; *Türkiye*, 16 October 1993; *Zaman*, 16 October 1993.

<sup>60</sup> *Ibid.*; “Pered Vyborami” [Before the Elections], *Avdet*, 22 (87), 11 November 1993, p. 1; *BBC Monitoring Service*, 20 October 1993, as distributed by *Reuters*.

forthcoming elections set up for 27 March 1994.<sup>61</sup> It is noteworthy that all 14 deputies have been elected from the list of candidates representing the *Qurultay* and not, for instance, the NMCT; it is an indicator of not only well-organised work, but also of the fact that the *Meclis* in reality represents the will and interests of the whole Crimean Tartar nation.<sup>62</sup>

## 2.5. Presidential Elections in the Crimea

More negative developments on the peninsula had taken place with regard to the creation of a Crimean presidency and the presidential elections that were scheduled for January 1994. The presidential post initially was provided for by the Constitution of 5 May 1992, however, confrontation between Kyiv and Simferopol concerning the division of powers and political struggle around the referendum had halted the practical realisation of this project for one and a half year until the law on the presidency was passed by the Crimean parliament in September 1993.<sup>63</sup>

From the very beginning, the leaders of the Crimean Tatar national movement expressed their negative attitude towards the establishment of the Crimean presidency. “There cannot be two presidents in one state. Presidential elections in [the] Crimea will not solve a single problem, but will only increase tension,” said Mustafa Kırımoglu in one of his interviews.<sup>64</sup> Dissatisfaction of the Crimean Tatars

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<sup>61</sup> Text of the “Postanovlenie tretyey sessii II Kurultaya kryskotatarskogo naroda ‘Ob uchastii v vyborakh Verkhovnogo Soveta Kryma’ ” [Decision of the Third Session of the II Qurultay of the Crimean Tatar People “On Participation in Elections to the Supreme Soviet of Crimea”], *Avdet*, 24 (89), 2 December 1994, p. 1;

<sup>62</sup> Chervonnaya, *Krymskotatarskoe Natsionalnoe ...*, Volume 3, p. 46.

<sup>63</sup> *Ibid.*

<sup>64</sup> *BBC Monitoring Service*, 28 October 1993, as distributed by *Reuters*; *FBIS-SOV-93-208*, 29 October 1993.

with the idea of elections was increased by the fact that the law on presidency possessed a clause implicitly discriminating against the deported peoples of the peninsula. In accordance with the conditions set up for those who wish to put forward their candidacy in the presidential elections, a person had to collect five thousand signatures in his/her support, pay an electoral deposit equal to 50 minimum wages, and should have resided in the Crimea for the last 10 years.<sup>65</sup> Disregarding the real claims to the post of the Crimean presidency that the Crimean Tatars certainly were not to claim, these people even theoretically were stripped out of a chance to run their candidate for the elections as only few of them, particularly within the political elite of the *Qurultay*, were living in the Crimea ten years ago.<sup>66</sup> Thus, the emergency meeting of the Crimean Tatar assembly scheduled on 27<sup>th</sup> November had to reveal its clear position towards these elections.

More importantly, the fact that the real “presidential movement” in the end of 1993 was a reflection of the most ‘terrible’ prognoses, particularly for the Crimean Tatars [and for the Ukrainian centre, too], as to “consolidation of the anti-democratic forces on the peninsula, the activation of reactionary groups striving for the Crimea’s secession from Ukraine, and the strengthening of pro-Russian imperial tendencies.”<sup>67</sup> Thus, on 27 December, when the Central Electoral Committee had completed the registration of candidates for the Crimean presidency, the list, consisting of six names - Nikolay Bagrov, Ivan Yermakov, Vladimir Verkoshavskiy who were registered as independents, and Yuriy Meshkov (the RMC), Leonid Grach (the CPC), and Sergey Shuvaynikov (the RPC), all representing the pro-Russian and pro-Communist forces

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<sup>65</sup>*BBC Monitoring Service*, 24 October 1993, as distributed by *Reuters*.

<sup>66</sup> “Doklad Predsedatelya Medzhliisa Mustafy Dzhemileva” [Speech of the Head of Meclis Mustafa Cemilev], *Avdet*, N. 24 (89), 2 December 1993, p. 4; Chervonnaya, *Krymskotatarskoe Natsionalnoe ...*, Volume 3, p. 47.

of the peninsula<sup>68</sup> - was evidence of the difficult choice that the Crimean Tatars were faced with. Mustafa Kırımoğlu commented on this situation in the following way:

“It, of course, matters for us whether the presidential chair will be occupied by an admiral [Yermakov], who is saying in his circles that if he becomes a president he will ‘deal’ with all these “*tatarva*,”\* by the Communist leader, propagating maniacal ideas about the restoration of the Communist empire; by a leader of the chauvinist party, trying to ‘go’ to Russia...with our motherland or, in the end, by a more realistic politician, though in the past - a communist *partocrat*, involved in unlawful acts against our people, but understanding well enough the situation and possessing a long experience, ie. the one with whom it is possible to find a common language.”<sup>69</sup>

In the last example of alternative variants of a president, the leader of the Crimean Tatar national movement was talking about the Chairman of the Crimean Supreme Soviet Bagrov. It was difficult to be sure about the real intentions of this candidate as, for instance, in one of his speeches during his elections campaign, although endeavouring to stress the socio-economic side of the issue, Bagrov stated that, taking into account the consequences of the collapse of the former Soviet Union, the “Crimea should choose an independent path of development through the formation of a new type of economy which will fully exploit the potential of the republic and will open up wide opportunities for the active work of state enterprises and entrepreneurs.”<sup>70</sup> But it was obvious that he was less radical or the least “evil” and more concerned with the preservation of the status quo. However, even in the end, the *Meclis* of the Crimean Tatars did not dare to support the candidacy of Bagrov openly. There were several reasons for this and the most significant probably was the fact that the Crimean Tatars could not forgive him his old ‘sins,’ the anti-Tatar policies, and their fear that open support would have a reverse effect on the number of votes

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<sup>67</sup> *Ibid.*

<sup>68</sup> *FBIS-SOV-93-247*, 28 October 1993.

\* *tatarva* is a rude name used by the Russians for the Crimean Tatars.

<sup>69</sup> cited in Chervonnaya, Volume 3, p. 48.

<sup>70</sup> *BBC Monitoring Service*, 22 December 1993, as distributed by *Reuters*.

received by him, as everything what was considered good for the Crimean Tatars was regarded as bad for the Russians.<sup>71</sup>

Members of the *Meclis*, after long debates and discussion on its session on 2 January 1994, first, decided (18 to 8 with one abstention) to boycott the elections of the president as none of the six candidates had taken a clear stand on the Crimean Tatar interests.<sup>72</sup> However, a week later, the *Meclis* gathered a second time in order to discuss the situation regarding the elections. It was said there that the pre-election situation had changed drastically and there were fears that a person insisting on re-drawing the current borders might come to power.<sup>73</sup> Therefore, the *Meclis* had called on the Crimean Tatars to participate in the forthcoming elections and to cross out the names of Grach, Shuvaynikov, Yermakov, Meshkov, and Verkoshanskiy. At the same time, the resolution passed by the *Meclis* on 8 January 1994 stated that the “*Meclis* of the Crimean Tatar people would not recognise the presidential powers of a person whose policy would be directed against the right of the Crimean Tatars to self-determination and solution of the problem on the status of Crimea without taking into consideration the will of the Crimean Tatar people.”<sup>74</sup> Hence, it was implied that the *Meclis* and its supporters would give their vote to Bagrov who, unfortunately, had started to make more challenging statements, arguing that Russia alone could guarantee stability in the region; “the Crimea cannot be rescued outside an alliance

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<sup>71</sup> “Obraschenie Medzhnisa krymskotatarskogo naroda b svyazi s predstoyaschem vtorym turom golosovaniya v vyborakh Prezidenta Kryma” [Appeal of the Crimean Tatar Meclis to its People regarding the Upcoming Second Tour of the Crimean Presidential Elections], *Avdet*, N. 2 (93), 27 January 1994, p. 1; Chervonnaya, *Krymskotatarskoe Natsionalnoe ...*, Volume 3, pp. 48-49.

<sup>72</sup> *FF0042, B-WIRE*, 3 January 1994.

<sup>73</sup> “Postanovlenie Medzhnisa krymskotatarskogo naroda ‘Ob otnoshenii k prezidentskim vyboram v Krymy’” [Decision of the Crimean Tatar Meclis “On the Presidential Elections in the Crimea], *Avdet*, N. 1 (92), 13 January 1994, p. 1; *FBIS-SOV-94-008*, 12 January 1994.

<sup>74</sup> *Ibid.*; Chervonnaya, *Krymskotatarskoe Natsionalnoe ...*, Volume 3, pp. 49-55.

with Russia or peaceful reintegration into our historical Motherland,”<sup>75</sup> though these words do not reflect his official position, which was perceived as less radical and yet pro-Ukrainian.

The course of the election campaigns had revealed an unconcealed anti-Ukrainian and chauvinist orientation of programmes adhered to by all the candidates; the mass media was full of malice against Ukraine and called for the restoration of the USSR. The reaction of the democratic forces of the Crimea and Ukraine to these developments was very negative; they came out decisively against the introduction of the institution of the presidency on the peninsula as this might lead to the obstruction of the central presidential power and strengthening of separatism and confrontation. Thus, for example, the Ukrainian Civic Congress of the Crimea in its resolution had required the Ukrainian Supreme Council and the president to do the following:

- Consider the question of the systematic violation of the Ukrainian Constitution and current legislation in the Crimea
- Condemn the attempt by the Communist nomenklatura to introduce the institution of the presidency and to cancel the Crimean presidential elections as being at variance with Ukraine’s current legislation.
- To implement Ukraine’s law “On the Ukrainian Presidential Representation in the Crimea.”
- To remove Ivan Yermakov from his post as Ukrainian presidential representative in Crimea.
- In carrying out the Ukrainian state-building policy in the Crimea, to rely upon patriotic political and public organisations.<sup>76</sup>

However, none of these tactics of counteraction was implemented by the Ukrainian government simply because it was too late and, consequently, the results of the presidential elections alarmed Kyiv, proving the weakness of its position on the peninsula.

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<sup>75</sup> *FBIS-SOV-94-008*, 12 January 1994.

## 2.6. The Results of Presidential Elections

Nikolay Bahrov, despite the speeches he made during the last days of the pre-election campaign, was usually perceived by the Crimean population as too accommodating towards Kyiv. His association with the ruling party – the PERC - and the fact that in the last three years the Crimea had been experiencing deep economic crisis had diminished his popularity drastically. At the same time, his programme did not promise more than “vague formulae on the desirability of increased autonomy for the peninsula, balanced by the economic necessity of preserving links with Kiev.”<sup>77</sup> This attracted the Ukrainophiles and the Crimean Tatars, but damaged seriously his reputation among the Russian-speaking population of the peninsula. Thus, according to the results of the presidential elections held on 16 January 1994, 254,042 (16.9%) out of 1,447,482 of the Crimeans voted for the candidature of Bagrov. His most visible opponent Yuriy Meshkov, who based his programme mostly on emotive sloganeering [as did the rest of the candidates] and was advocating the establishment of an “independent democratic legal state entering the CIS on the basis of political and economic agreements,” received 557,226 (38.5%) of the votes.<sup>78</sup> Other candidates obtained the following number of votes: Shuvaynikov – 196,342 (13.6%), Grach – 176,330 (12.2%), Yermakov – 90,347 (6.3%), Verkoshanskiy – 14,205 (1%).<sup>79</sup> As no candidate received a majority in the first round, it was decided to hold a run-off election on 30 January 1994 where the voter could have a chance to decide the presidential chair between Bagrov and Meshkov.

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<sup>76</sup> *FBIS-SOV-94-002*, 4 January 1994; *SWB*, 5 January 1994.

<sup>77</sup> Andrew Wilson, “Presidential and Parliamentary Elections in Ukraine: the Issue of Crimea,” in Maria Drohobychy (ed.) *Crimea: Dynamics, Challenges, and Prospects*, p. 112.

<sup>78</sup> *Ibid.*, p. 113; S. M. Chervonnaya, Volume 3, p. 50.

It was clear that a victory would be on Meshkov's side, as after he had dealt with the challenge coming from the more conservative parties such as the CPC and RPC in the second round their vote was transferred to him, because the leaders of these parties, fearing that Bagrov would be again in power, started calling for their supporters to back the candidature of Meshkov. Interestingly enough, immediately after the first round victory, on the press conference Meshkov told journalists that the Crimea would not separate from Ukraine. "We will not live under either Russia or Ukraine but rather with both of them. No one is talking about the changing of the borders," added Meshkov.<sup>80</sup> These words could hardly calm down the passions and it was not only the Ukrainian politicians who were worried about the possible consequences of these elections; the Russian and US officials were repeatedly expressing their fear that a secessionist movement in the Crimea would pit the Ukrainian nationalists against the Russian extremist and that a conflict would torpedo the agreement that calls for Ukraine to give up its nuclear arsenal in exchange for guarantees of the inviolability of the Ukrainian borders, which include the Crimea.<sup>81</sup>

Unfortunately, nothing could stop Meshkov from winning these elections and after the second round, held on 30 January 1994, he, counting for 1,040,888 (72%) votes against 333,243 (23.4%) given in support of Bagrov, became a first president of the Republic of Crimea.<sup>82</sup> Now Meshkov had time to prepare for the parliamentary elections and it was clear that he would do anything possible to ensure the victory of his "Russia" bloc. Thus, in one of his first speeches in the capacity of president, Meshkov announced his intention of holding a referendum on the peninsula's future

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<sup>79</sup> *Ibid.*

<sup>80</sup> *FF0161, B-WIRE*, 18 January 1994.

<sup>81</sup> *FF0025, B-WIRE*, 18 January 1994.



on March 27, saying that “there is no justification for Kiev’s current ban on the holding of a referendum and adding that “it is a question of [the] Crimea’s right to determine independently the content and the forms of its relations with neighbouring states.” His views on the relationship with Ukraine had changed instantaneously; he announced his plans to form and send to Moscow a plenipotentiary delegation to conclude a close economic and cultural union with Russia and added that as the people of the Crimea always formed part of the people of Russia, “the restoration of unity is...a question for the very near future.”<sup>83</sup>

## **2.7. Parliamentary Elections**

All Meshkov’s actions, however, were directed at consolidating his power in the parliamentary elections. It was an important task for Meshkov, because the law “On the President of the Crimean Republic,” passed on 14 October 1993, did not create a presidential republic, but stated that the Crimean president had to govern with the consent of parliament. As in the old parliament the “Russia” bloc controlled only 28 out of 196 seats and the largest number of seats (60) was occupied by the centrist PERC, the primary and the most significant objective for Meshkov had to be winning a majority of seats in the new parliament for it to back his policies.<sup>84</sup> And his attempts were successful as the bloc “Russia” won impressively in the elections of March and April 1994.

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<sup>82</sup> *FF0073, B-WIRE*, 1 February 1994; S. M. Chervonnaya, Volume 3, p. 50; *The Crimea: Chronicle of Separatism*, pp. 72-73.

<sup>83</sup> *SWB*, 7 February 1994.

<sup>84</sup> Andrew Wilson, “The Elections in Crimea,” *RFE/RL Research Report*, Vol.3, No. 25, 24 June 1994, p. 7.

The election rules were as follows: the new parliament was decreased to 98 members, who were to be elected by two votes, the first given by every eligible voter in one of the 66 territorial single member constituencies and the second “would then be used to choose from one of the six lists drawn up on ethnic lines,” ie. local Russians/Ukrainians and the Crimean Tatars would vote for their parties, both selecting 14 deputies, while Armenian, Greek, Bulgarian and German communities would elect one deputy, rather than choose from a list.<sup>85</sup> The results of the elections revealed that the bloc “Russia” acquired 54 plus four seats more that were occupied by the independents very close to the bloc; the RPC got 1, the CPC – 2, the PERC – 2, the independents close to the PERC – 4, the independents (including Bulgarian and Greek deputies) – 13, and the *Qurultay* received 14 seats in the new parliament.<sup>86</sup>

These elections, therefore, marked another victory of the pro-Russian movement and demonstrated that the peninsula’s Ukrainian population – “disproportionately rural,” absolutely Russified and possessing no dedicated leaders – did not constitute as effective a political force as local ethnic Russians, “disappointing Kiev’s hope that they could act as an effective counterweight against separatist sentiment in the south.” On the other hand, “the Crimean Tatars, although effectively mobilised by the *Qurultay*, are not numerically strong to provide an effective substitute.”<sup>87</sup>

## **2.8. The Crimea under Meshkov**

Meshkov’s accession to power did not resolve any of the old problems, but created many new ones. Tensions between Kyiv and Simferopol firstly intensified following

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<sup>85</sup> *Ibid.*, pp. 7-8.

<sup>86</sup> *Ibid.*, p.18.

Meshkov's decree of 10 March 1994 to hold a public opinion poll, easily predicted results of which would have strengthened his negotiating powers with Kyiv. The reaction from Kyiv was instantaneous and Kravchuk issued his own decree cancelling Clauses 1 and 2 of the Meshkov's decree, the first of which was about the restoration of the provisions of the Crimean Constitution of 6 May 1992, specifying the regulation of mutual relations between the Crimea and Ukraine on the basis of a relevant treaty and agreements and the second - about the renewing of the provisions of the same constitution proclaiming the right of the Crimean citizens to dual citizenship, as being counter to the constitution of Ukraine.<sup>88</sup> Moreover, it was stated that the decree of the President of the Republic of Crimea contravened the law of Ukraine "On All-Ukrainian and Local Referendums," while prohibited a referendum, concerning issues not falling within Crimean jurisdiction.<sup>89</sup> At the same time, the democratic forces such as the UCCC, the "Crimea with Ukraine" committee, the PERC, and the Crimean Tatar *Meclis* expressed their vehement reaction to this decree in their joint statement, saying that the poll which was to be held "under the pressure of chauvinist forces" and which would not in any sense "be conducive to the ideas of inter-ethnic accord" in itself was "a call for a continuing separatism" that would only lead to greater deterioration of the situation in the Crimea.<sup>90</sup> However, the decision of Meshkov seemed to be irrevocable.

Thus, despite all objections and barriers, Meshkov's "consultative questions" were asked on the first round of 27 March elections. Voters were asked whether they were

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<sup>87</sup> Andrew Wilson, "Presidential and Parliamentary...", p. 115.

<sup>88</sup> "Krym: politiki igraut slovami, voennye – muskulami" [The Crimea: The Politicians are Playing with Words, and the Soldiers – with Muscles], *Trud*, 24 May 1994, p. 1, 6; *SWB*, 17 March 1994; text of the "President's decree on the Crimean president's decree of March 10, 1994 On Public Poll in the Crimea On March 27, 1994" in *The Crimea: Chronicle of Separatism...*, pp. 73-75.

<sup>89</sup> *The Crimea: Chronicle of Separatism...*, p. 74.

in favour of the restoration of the 6 May 1992 Constitution of the Republic of Crimea, the establishment of dual citizenship between the Crimea and Ukraine or between the Crimea and Russia, and the granting of the right to the president of Crimea to rule by decree in areas not covered by the Constitution.<sup>91</sup> All the questions received voter's affirmation (78.4%, 82.8%, 77.9%, respectively).<sup>92</sup> However, the Electoral Commissions in both the Crimea and Ukraine ruled the poll to be unconstitutional, as the questions had to be printed on separate papers. Although, the results had no legal effect, they were used by the ruling party to justify the restoration of the May 1992 constitution.

It was even before Meshkov's election to the post of the Crimean president that the central government took various preventive measures in order not to lose control over the situation in Crimea. Aware of Meshkov's political orientation, the Ukrainian government on 20 January 1994, just between the first tour and run-off elections, brought amendments to the Ukrainian Constitution enabling the Ukrainian president to overrule any actions of the government of the Crimean Autonomous Republic that contradicted the Ukrainian constitution and laws.<sup>93</sup> Meshkov, while reiterating his unwillingness to lead the Crimea's secession from Ukraine, took a number of steps aiming at getting greater power over the governing bodies of the peninsula. On the same day when he issued the decree concerning the referendum, he disbanded the Council of Ministers, announcing that a new government would be formed under the economist Yevgeniy Saburov, who was a Russian citizen. He also moved the

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<sup>90</sup> *SWB*, 28 March 1994.

<sup>91</sup> Andrew Wilson, "The Elections in Crimea," p. 17.

<sup>92</sup> *Ibid.*

<sup>93</sup> Ustina Markus, "Crimea Restores 1992 Constitution," *RFE/RL Research Report*, Vol. 3, No. 23, 10 June 1994, p. 9.

Crimea's clocks from Kyiv to Moscow time and declared Russian to be the peninsula's sole official language.<sup>94</sup>

More serious consequences followed Meshkov's decision of 12 April 1994 to replace the Crimean Interior Minister, Major-General Aleksandr Plyuta, with General Valeriy Kuznetsov and the local security service director, Ivan Kolomytsev, with Vladimir Lepikhov, both of whom were people of his team.<sup>95</sup> As an answer to this, the president of Ukraine ordered to cancel the Crimean presidential decrees of 22 April 1994 No. 33 "On the Acting Chairman of the Security Service of the Republic of Crimea" and No. 34 "On Suspending the Powers of Acting Chairman of the Security Service of the Republic of Crimea" as being at variance with the Ukrainian constitution and Ukrainian laws "On Division of Powers" and "On Ukraine's Security Service."<sup>96</sup> He also asked Ivan Kolomytsev, the former head of the local KGB, to replace General Lepikhov.<sup>97</sup> In order to confirm the implementation of the Ukrainian president's decree, dated 18 May 1994, "On the Ukraine Ministry of Internal Affairs' Chief Administration in the Crimea," which says that, in accordance with Articles 114-115 of the Ukrainian Constitution, the Crimean Ministry of Internal Affairs is to be reorganised as the chief administration in the Crimea of its Ukrainian counterpart, the small delegation headed by the Ukrainian First Deputy Minister of Internal Affairs, General Valentin Nedrigaylo, has arrived on the peninsula. The media and the Crimean politicians started talking about contingents of troops sent by the Ukrainian

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<sup>94</sup> "Looking into the Abyss," *The Economist*, 28 May 1994, p. 25.

<sup>95</sup> "Professiya - 'svoiy chelovek'," *Avdet*, N. 8 (99), 21 April 1994, p. 1.

<sup>96</sup> *BBC Monitoring Service*, 25 April 1994, as distributed by *Reuters*.

<sup>97</sup> *The Crimea: Chronicle of Separatism...*, p. 78.

authorities to the peninsula and about the preparation of military coup to oust the Crimea's acting Minister of Internal Affairs Kuznetsov.<sup>98</sup>

The situation deteriorated further when on May 19, Leonid Kravchuk issued decrees on reorganisation of the Security Service and the Ministry of Justice as chief administrations of Ukraine's corresponding departments and subordinating them to Kyiv.<sup>99</sup> However, by the evening of the same day, the Crimean parliament had confirmed General Lepikhov as Chairman of the Crimean Security Service and Mrs. Lyubov Yelisseyeva-Bora as the Crimean Minister of Justice; it was also decided to consider the issue of the restoration of the May 1992 constitution on the next session of the parliament.<sup>100</sup>

In his appeal to the Crimean deputies, Leonid Kravchuk has asked the parliament of the Crimea not to consider the "constitutional issue" without consulting the central authorities as "settlement of said issues falls within exclusive jurisdiction of the *Verkhovna Rada* of Ukraine," and as the restoration of the May 1992 constitution in its original form would imply the revision of basic principles regulating relations between Ukraine and the Crimea, he warned politicians that "violation of these principles may lead to conflict situations and other unpredictable consequences."<sup>101</sup> As the 6 May 1992 constitution was perceived by the Ukrainian authorities primarily as a direct threat to the territorial integrity of Ukraine, at a 19 May press conference in Kyiv, Kravchuk said that he would "act decisively and consistently to protect the

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<sup>98</sup> "Crimea's Autonomy Bid Stirs New Tensions," *The Current Digest of the Post-Soviet Press*, Vol. XLVI, No. 20, 15 June 1994, p. 1.

<sup>99</sup> *Ibid.*, p. 2; *SWB*, 21 May 1994.

<sup>100</sup> "Crimea's Autonomy Bid Stirs New Tensions," p. 1.

<sup>101</sup> Text of the "President Kravchuk's address to the Crimean Parliament," in *The Crimea: Chronicle of Separatism...*, pp. 80-81.

territorial integrity of Ukraine.”<sup>102</sup> However, many were blaming particularly Kravchuk for the existing situation, Serhiy Holovaty (the *Rukh*), said Kravchuk was three years late with his ‘threats’ and ‘decisive actions’ and any action of his could now exacerbate the situation even more.<sup>103</sup>

On 20 May 1994 the Crimean parliament, despite the warnings, which came even from Meshkov, about the possible aggravation of the situation, voted overwhelmingly (69 in favour, 2 against, and 2 abstained) to adopt a law “On Restoring the Constitutional Foundations of the Republic of Crimea’s Statehood,” i.e. they fully restored the Republic of Crimea’s 6 May 1992 Constitution, envisaging that the legal basis of relations between the Crimea and Ukraine were to be governed by treaties between the two governments and giving a right to form military forces and for the Crimeans – to have dual citizenship.<sup>104</sup> It must be noted that none of the 14 Crimean Tatar deputies to the parliament did participate in the voting. Nadir Bekir, a head of the Legal-Political Department of the *Meclis* and a member of the Crimean parliament, made the following statement: “None of the members of the Deputies’ faction of the *Qurultay* of the Crimean Tatar people, not wishing to share responsibility for such a dubious political action, would participate in the vote on this question.”<sup>105</sup>

The *Verkhovna Rada* of Ukraine reacted quickly to this decision by suspending it.<sup>106</sup> In its resolution, the Ukrainian Supreme Council has stated that pursuant to Article 2 of the law “On Division of Powers between the State Bodies of Ukraine and Crimea,”

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<sup>102</sup> “Crimea’s Autonomy Bid Stirs New Tensions,” p. 2.

<sup>103</sup> *SWB*, 24 May 1994.

<sup>104</sup> *SWB*, 21 May 1994; *Milliyet*, 21 May 1994; *Cumhuriyet*, 21 May 1994.

<sup>105</sup> “Crimea’s Autonomy Bid Stirs New Tensions,” p. 3.

“the highest bodies of state power of the Crimea do not possess the powers given to the highest state bodies of Ukraine” and recommended to the Crimean parliament to “put, within the space of 10 days, the Crimean Constitution into correspondence with the Constitution of Ukraine” and the above mentioned law on division of powers.<sup>107</sup> The Ukrainian parliament had also demanded an annulment of the vote within three days as against the possibility of direct rule from Kyiv; some deputies even proposed introduction of economic sanctions against the Crimea as a means of bringing it to heel.<sup>108</sup>

The Crimean Supreme Council, however, refused to back down; on 20 May 1994 it adopted an appeal to the Ukrainian president and government to deny media allegations of separatism and violation of Ukrainian territorial integrity, stressing that “not a single provision of the restored constitution entails violation of the Ukrainian territorial integrity or revision of the current Ukrainian state border.” It also prepared an appeal to the UN, the UN Security Council, the CSCE, the president of the Russian Federation, the Russian Federal Assembly and the people of Ukraine, which says, “The leadership of Ukraine has taken a series of measures aimed at destroying the statehood of the Republic of Crimea. It threatens to use force, including military force.” The Chairman of Crimean Supreme Council Sergey Tsekov, on his part, said that the new *Verkhovna Rada* of Crimea had originally intended to take even more radical decisions, up to declaring the Crimea’s independence. However, deputies decided not to aggravate the situation and therefore restricted themselves just to

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<sup>106</sup> *International Herald Tribune*, 21-22 May 1994; *SWB*, 23 May 1994.

<sup>107</sup> Text of the “Resolution of *Verkhovna Rada* of Ukraine on Cancelling the Law of the Crimea “On Restoration of the Constitutional Fundamentals of the Crimean Statehood” in *The Crimea: Chronicle of Separatism...*, pp. 81-82.

<sup>108</sup> Ustina Markus, “Crimea Restores 1992 Constitution,” *RFE/RL Research Report*, p. 10.



restoring the constitution of 6 May 1992. “This was done in keeping with the voters’ will. Therefore, the Crimean parliament did not intend to revoke its decision.”<sup>109</sup>

The situation was somehow defused when both sides decided to set up a working group that would consider proposals made by negotiating parties as options to find a compromise in the conflict; it was also agreed not to implement any decree concerning the issue during the work of the commission.<sup>110</sup> However, when the ten-days-period was over, nothing had changed as the Crimean authorities decided that there were no grounds for rescinding their decision.<sup>111</sup> The Ukrainian authorities also declined to take any drastic measures. On its session on 1 June 1994, the Ukrainian Supreme Council had a long-lasting discussion on measures that had to be taken to regulate the situation in the Crimea. Kravchuk took a soft line in order to avoid an armed conflict; instead, he proposed setting up a Constitutional Court to deal with the differences in the Crimean and Ukrainian legislature.<sup>112</sup> But, the Ukrainian parliament passed its resolution, bringing into force its earlier decision concerning the termination of the law on the restoration of 6 May 1992 constitution, asking the Committee for Legal Policy and Legal Reform within the period of two weeks to submit proposals on amendments and supplements to the current legislation to bring the Crimean legislature in line with the Ukrainian one, and proposing the Ukrainian President as a guarantor of the Ukrainian Constitution to submit a list and set of measures, which would be constitutionally and legally based, that might be used to resolve the conflict.<sup>113</sup>

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<sup>109</sup> *SWB*, 23 May 1994.

<sup>110</sup> *SWB*, 27 May 1994.

<sup>111</sup> *SWB*, 1 June 1994.

<sup>112</sup> “Ukrainian Leader Kravchuk Takes Soft Line on Crimea,” *Turkish Daily News*, 2 June 1994.

<sup>113</sup> Text of the Resolution of the *Verkhovna Rada* of Ukraine in *The Crimea: Chronicle of Separatism...*, pp. 91-92.

During the second round of the talks between the Crimean and Ukrainian delegation, the latter succeeded in persuading the former to agree that the Ukrainian Constitution was to take precedence over Crimean laws. It was also decided that the working group would be set up to determine the sphere of authority of the governing bodies of Ukraine and the Crimea. A joint statement, reaffirming that the Crimea was a constituent part of Ukraine, was issued, but later on it was rejected by the Crimean parliament.<sup>114</sup> Thus, there was persistent turmoil between Kyiv and Simferopol until the end of the year. Leonid Kuchma, the successor to Kravchuk in his presidential post did not satisfy the expectation of the Crimean electorate when he came to power in June 1994 by simply continuing to veto the laws and resolutions of the Crimean parliament contradicting the Ukrainian legislature. But, the inability or unwillingness of the central authorities to deal effectively with separatist tendencies in the Crimea; their attempts to solve the problem without using military force meant that violent explosion of the crises was avoided and conditions appropriate for finding a compromise still existed. Permanent at that time negotiations between the two sides were aimed at the solution of the problem concerning the status of the peninsula and the sphere of legal influence of the governments of Ukraine and the Crimea assuaged both sides' most radical elements, demanding decisive measures to put an end to the imbroglio.

Meanwhile a kind of pacification reached in Kyiv-Simferopol conflict, it did not certainly bring to the end the complex situation within the Crimean government and the Crimea as a whole. Meshkov's popularity has been rapidly declining because of his inability either to improve the economic situation or to take drastic measures

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<sup>114</sup> Markus, p. 10.

towards complete independence or “re-union with Russia” as he promised. At the same time, the confrontation between the executive and legislative branches of the Crimean government loosened Meshkov’s grip and contributed considerably to the crisis within the pro-Russian nationalist movement.

The struggle for power between the executive and legislative branches of the Crimean government started when the Crimean Supreme Soviet Presidium at its meeting on 29 August 1994 had denied legal status of the Service of Security and Interstate Relations, set up by the Crimean president in a classified decree of 12 March 1994; this decision was based on an argument that the service performed functions contradicting the Crimean Constitution.<sup>115</sup> More serious developments had taken place on 7 September 1994, when the deputies of the Supreme Council passed (64 votes in favour) the law “On Changes and Amendments to the Law “On president of the Republic of Crimea,” reserving the right for the Crimean MPs to express their no-confidence in the president. Meshkov, on his part, described the passage of the law as an anticonstitutional coup attempt and said that the people themselves would give the verdict and keep either the Crimea’s Supreme Council or him – the Republic of Crimea president - to lead them.<sup>116</sup> On the next day of the session, the Crimean parliamentarians adopted a law “On the Constitutional Court of the Republic of Crimea,” according to which the new body was to be the highest judicial organ dealing with the issues of the constitutional law. The president, the Supreme Council, and the Supreme Court were to nominate to the court one candidate each; this law

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<sup>115</sup> L. Takosh, “Bol’she molchat’ nel’zya” [We Should Not Stay Silent], *Avdet*, N. 16 (107), 9 September 1994, p. 2; *SWB*, 2 September 1994; *The Crimea: Chronicle of Separatism...*, p. 96.

<sup>116</sup> *SWB*, 9 September 1994; *The Crimea: Chronicle of Separatism...*, p. 97.

stripped the president of the power to decide on the whole composition of the court and to appoint the procurator of the autonomy.<sup>117</sup>

Now discord reigned between the “fellow thinkers, who with one voice promised [the] Crimeans Russian citizenship and the *ruble* zone and the manna from heaven derived from them.” The president’s primary task seemed to be to rid himself of the parliament; the Supreme Council, on the other hand, was endeavouring to find a chance to express no confidence in the president. The question of the composition of the government became the stumbling bloc in relations between the president and the Supreme Council. The ministerial portfolios for which the *Rossiia* bloc was hoping went to Moscow ‘newcomers,’ headed by Yevgeniy Saburov and the winners of the elections found themselves not in the administration. The president, who was formally the head of the cabinet, usually found himself in conflict with the ministers, therefore, practically took no part in the work of the cabinet; he voluntarily limited participation in the political life of the republic and showed the unmanageability of the process occurring on the peninsula, as a result, created a momentum for the rise of a coalition in opposition.<sup>118</sup>

While by the beginning of summer 1994 Meshkov’s *Rossiia* bloc still dominated the parliament with 44 deputies [although 11 of its original supporters already left to form more radical *Respublica* (Republic) faction], after the events of September Meshkov had at his disposal only 14 deputies, who named themselves “Russia-consolidation” (or Russia-unity): 11 joined the Agrarians and 25 deputies now were under the control

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<sup>117</sup> *SWB*, 10 September 1994; *The Crimea: Chronicle of Separatism...*, p. 97.

<sup>118</sup> *Kommersant*, 13 August 1994 as distributed by *FBIS-USR-94-098*, 8 September 1994.

of the chairman of the Supreme Council Tsekov.<sup>119</sup> Another faction that was formed as a result of the split of the *Rossiya* bloc was the “Crimea” group led by the local businessman Alexandr Korotko, who was previously associated with the PERC. This group represented more moderate politicians, prepared to work together with Kyiv in finding a compromise; this desire especially became apparent after Kuchma launched the first serious economic reform.<sup>120</sup> The *Rossiya* bloc’s dominance in the Crimean politics did not last long, “and factional infighting and the shifting of balance of power between Kyiv, Moscow, and Aqmesjit (Simferopol’) soon began to break the political logjam, to the Tatars’ advantage.” Moreover, the failure of the pro-Russian government to bring any improvements into the economy of the Crimea “allowed centrist parties more friendly to Tatars to regroup and make a partial comeback.”<sup>121</sup>

By time, events in the Crimea reached a climax. On 11 September 1994, the people of the peninsula heard on the radio a speech by Yuriy Meshkov, in which he read out his decrees disbanding the parliament and local councils, stripping deputies at all levels of their mandates, drafting a new constitution for the republic and setting up a constitutional council tasked with drawing up a draft for a new constitution by 9 December of the same year and submitting it to a referendum by 9 April 1995. Sergey Tsekov, on his part, said that the decisions taken by the Crimean Supreme Council were absolutely constitutional and would not be rescinded.<sup>122</sup> An interesting argument was put forward by one Russian journalist, who said that the real reason for the conflict was the government’s policy of “uncontrolled transfer of [the] Crimean riches

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<sup>119</sup> Andrew Wilson, “Presidential and Parliamentary...,” p. 122.

<sup>120</sup> Andrew Wilson, “Politics in and around the Crimea: A Difficult Homecoming,” in Edward A. Allworth (ed) *The Tatars of Crimea: Return to the Homeland*, Duke University Press, Durham and London, 1998, p. 308.

<sup>121</sup> *Ibid.*, p. 307.

<sup>122</sup> *SWB*, 12 September 1994; *Facts On File World News Digest*, 22 September 1994.

into private hands and the accelerated capitalisation of the peninsula according to Western recipes that had already proved their untenability in Russia.”<sup>123</sup> However, it is difficult to talk about the credibility of such commentaries.

Meanwhile, the conflict between the branches of government was exacerbated, forcing Kyiv to become involved and Kuchma initiated intensive consultations with both Meshkov and Tsekov in order to find a compromise. The “zero option” (to restore the legal status that had existed before September 7) was proposed by Meshkov, but not accepted by the parliament. Instead, the Supreme Council passed a vote of no confidence to Saburov’s government and demanded the resignation of Meshkov within a week.<sup>124</sup> On 22 September 1994, the *Verkhovna Rada* of Ukraine passed a resolution “On the Political and Legal Situation in the Autonomous Republic of Crimea,” according to which the deadline of 1 November 1994 was set up for the Crimean parliament to bring the Constitution and laws of the Crimea in line with those of Ukraine. The *Verkhovna Rada* of Crimea instead passed a law (68 votes in favour) on 29 September “On the Government of the Crimea,” pursuant to which the chief executive in the republic would be the prime minister and not the president.<sup>125</sup> Continuation of the activities of that sort led the Ukrainian Supreme Council to abolish all laws and legal act that run counter to the Ukrainian law and instructed the president to abolish all unlawful actions and decrees of the Crimean president. Already at that time it was anticipated that the central authorities would take more radical steps concerning the Crimean government, but in the end the situation was

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<sup>123</sup> Nikolay Musiyenko, cited in Steven Shabad, “Crimea Stays In,” *World Press Review*, Vol.41, Issue 11, November 1994, p.28.

<sup>124</sup> *The Crimea: Chronicle os Separatism...*, p. 102.

<sup>125</sup> *Ibid.*, p. 104-105; *SWB*, 7 October 1994; “Chronicle,” *Avdet*, N. 18 (109),

resolved quite easily as the *Rada*'s final decision had merely eliminated the contradictions between the legislature of the Crimea and Ukraine.

Members of the *Verkhovna Rada* of Ukraine completely lost their patience in the beginning of 1995, when then the Crimean Supreme Soviet adopted a resolution announcing that the state property of Ukraine was the property of the Crimea. This action destroyed a consensus favouring economic reform within the territory of Ukraine. While it was finally agreed on the prolongation for 1995 of the "Treaty on Budget Relations between the Governments of Ukraine and the Republic of Crimea" and it was decided that the Crimea's tax revenue to Ukraine would be deduced by 100% and additional aid from the central government allocated,<sup>126</sup> this resolution of the Crimean Supreme Council and the way the new conflict was resolved convinced the Ukrainian leadership to bring the Crimea back to Ukraine's jurisdiction.

At the 17 March 1995 session of the *Verkhovna Rada* of Ukraine a whole series of the Crimean laws, including the Constitution, were abolished, the post of the president eliminated and the Ukrainian law "On the Status of the Autonomous Republic of Crimea," significantly limiting the sphere of influence of the Crimean authorities, but not revoking the very existence of the autonomy and confirming the legitimacy of the Crimean parliament, were adopted.<sup>127</sup> The Crimean Supreme Council was asked to submit a new version of the Crimean Constitution to the *Rada* for its approval.

The decision of the *Verkhovna Rada* of Ukraine to annul the Crimean constitution and the post of president became a precedent of Kyiv's most radical stand in dealing with

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<sup>126</sup> *The Crimea: Chronicle os Separatism...*, p. 108.

<sup>127</sup> *Facts On File World News Digest*, 30 March 1995.

the Crimean issue. The indeterminate and vague position of the centre now seemed to become part of history.<sup>128</sup> However, it could be added that, actually, the results of the 17 March session that proved so disastrous for the Crimean leadership were pushed by these leaders themselves. The policies of Meshkov, usually aimed at irritating Kyiv, did not succeed in implementing the promises that he was reiterating during his pre-election campaign. Moreover, neither he nor the pro-Russian government led by Saburov had improved the economy of the republic and the standards of living of the Crimean population. Therefore, it was pointless to expect rioting in the Crimea. As it turned out, the people of the Crimea, actually, cared little about what happened to the local leadership and it was clear that people were no longer convinced that their problems, especially economic ones, would be solved by merely joining Russia.<sup>129</sup>

In principle, these developments were favourable for Kyiv, but they had less positive effect for the allies of the centre – the Crimean Tatars, though this serious blow the secessionist forces of the peninsula felt with the latest decisions of the Ukrainian authorities, from the first sight could also be perceived as very beneficent for the natives of the Crimea. On the one hand, these developments, before and after the Kuchma decrees of 17 March, led to the formation of a coalition around the *Qurultay* faction, which by early April could count on 35 and by late April on 43 deputies, what in turn meant that the Crimean “Tatars could build pragmatic alliances with centrist Crimean politicians, to the extent of assembling a fragile governing majority, albeit one that probably lacked long-term coherence.” Second, the crisis and the change of government gave the *Qurultay* faction real influence in the governing of the peninsula. Third, it was once again demonstrated that the Crimean Tatars could work

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<sup>128</sup> *The Crimea: Chronicle os Separatism...*, p. 118.

<sup>129</sup> Pikhovshek, p. 51.



productively with Kyiv and, “by helping oust Kyiv’s opponents from power, demonstrated to the Ukrayinan [Ukrainian] authorities the political benefits working with the Qurultay/Mejlis” [*Qurultay/Meclis*].<sup>130</sup> However, “despite the fact that a growing proportion of [the] Crimean Tatar returnees added a new element to the Ukrainian-Russian struggle over [the] Crimea by actually supporting Ukrainian state integrity, and thereby becoming a factor that all the conflicting sides, as well as international bodies and organisations, were compelled to reckon with,” the most significant achievement of the Crimean Tatars – namely, their guaranteed representation in the local legislative organs – unfortunately was eliminated together with other Crimean laws that were not to be found in the Ukrainian legislature.<sup>131</sup>

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<sup>130</sup> Andrew Wilson, “Politics in and around the Crimea: A Difficult Homecoming,” p. 309.

<sup>131</sup> Belitser, p. 4.

## CHAPTER III

### THE CONSTITUTIONAL PROCESS IN THE CRIMEA IN THE CONTEXT OF INTER-ETHNIC RELATIONS: 1995-2000

#### 3.1. New Status of the Crimea

The adoption of the law of 17 March 1995 “On the Autonomous Republic of Crimea” by the Ukrainian authorities radically changed the status of the peninsula, but the new definition was somewhat ambiguous. On the one hand, the peninsula retained the name of the autonomous republic, however, Article 1 of this law referred to it not as a “political” but as “an administrative and territorial autonomy within Ukraine.”<sup>1</sup> Theoretically, an entity holding the name of ‘republic’ cannot be considered as a territorial-administrative unit. The same definition regarding the status of Crimea was used in the 1996 Constitution of Ukraine, Article 75 of which mentioned about the special status of Crimea within Ukraine, but the usage of the term ‘unit’ practically meant a denial of the status of ‘republic.’

One of the Russian writers, the lawyer A. V. Fedorov, in his *Legal Status of the Crimea, Legal Status of Sevastopol*, commenting on the situation that resulted from the legal acts and resolutions passed by the Ukrainian government, said that the status of Crimea was reduced to the level not even of *oblast* but of “colony.” He argues then that by abolishing the Crimean constitution, provided by its Article 126 the post of

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<sup>1</sup> Text of the law of Ukraine “On the Autonomous Republic of the Crimea” in *The Crimea: Chronicle of Separatism*, pp. 122-127.

presidency, and the law “On Division of Powers between the State Bodies of Ukraine and Crimea,” all of which used to define the rights of the republic and was stating that the parameters of these powers could not be changed without mutual agreement, the Ukrainian authorities decided on the matters that were not within their jurisdiction. Particularly, Fedorov emphasised that the elimination of the laws “On President of the Republic of Crimea” and “On Elections of President of the Republic of Crimea,” which gave the right to the Crimeans to define the structures of their government, were illegal, especially keeping in mind the fact that the very first official meeting of the Crimean president was with his Ukrainian counterpart, which in itself legitimised this post.<sup>2</sup> However, this opinion fails to recognise the fact that there cannot be two presidents in the same country, a point of view that was many times reiterated by the Crimean Tatar *Meclis* leaders before and after the elections of the Crimean president.<sup>3</sup> Similar counterargument might be put forward concerning the elimination of the constitution, as there can be no two constitutions on the territory of the same state [which is not federal], especially if they run counter to each other. In fact, such radical decisions were in consequence of the Crimean authorities’ failure in implementing or, more exactly, ignorance of the directions of the Ukrainian *Verkhovna Rada* to bring the Crimean constitution and laws in line with those of Ukraine. Therefore, the decisions of the centre seemed to be fully substantiated. It was also true that it was the Ukrainian *Rada* that agreed on the law of the division of powers, which had to be the next step for the separatist-minded politicians in their drive towards the Crimean independence, but it certainly understood the importance of the matter and would never repeat the same mistake. Now, when this law was cancelled, “the Crimean leaders lost their legal basis for their claims of independence and found themselves in

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<sup>2</sup> A. V. Fedorov, *Pravovoy Status Kryma, Pravovoy Status Sevastopolya*, Moscow University Press, Moscow, 1999, p. 21, p. 23.

the same state in which they were at the very beginning of their struggle for autonomy.”<sup>4</sup>

The Ukrainian parliament, meanwhile, was proposed to implement even more radical steps. Yuriy Karmazin’s Commission, the one which was assigned to prepare the bills abolishing the Crimean presidency, put on the agenda of the *Rada*’s session two resolutions aiming at the abrogation of the Crimean *Rada*’s resolution, according to which the “conscripts drafted within the autonomous territory were to serve only in the Crimea,” and the termination of the laws “On Elections to the *Verkhovna Rada* of Crimea” and “On the Government of Crimea.” It was also proposed that the Ukrainian president should define the new powers of the Crimean government and to subordinate it to the “bodies of state executive authority of Ukraine and for the *Verkhovna Rada* of Crimea to submit a new version of its constitution before May 15, 1995. But, neither the long lasted debates nor four votes on them could help pass the resolutions in full. Only the suggestion concerning the Crimean constitution was accepted, while other proposals were stalled.<sup>5</sup> This again showed the indecisiveness of the central authority. Most probably, the Ukrainian government was afraid that subordination of the Crimean power structures to the executive branch of Ukraine would decide its own fate. Under the then effective Constitution, the government of Ukraine, headed by the president, was still accountable to the *Verkhovna Rada*. However, in the power bill, which for a long time had been a subject for debates, Kuchma proposed and insisted on being delegated the right to form the government

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<sup>3</sup> *BBC Monitoring Service*, 21 March 1995, as distributed by *Reuters*.

<sup>4</sup> Pikhovshek, p. 53.

<sup>5</sup> *The Crimea: Chronicle of Separatism...*, pp. 118-119.

single-handedly. This probably was the crucial factor in deciding the fate of the Crimean government.<sup>6</sup>

It was clear, however, that the Crimean authorities would not leave everything as it was and would continue their struggle against the centre. While the *Verkhovna Rada* of Ukraine was waiting for reinforcement from the president, the rebellious peninsula, seeing Kyiv's indecisiveness, was planning to launch a counteroffensive. Already on 18 March 1995, the MPs of the Crimean parliament (the *Qurultay* faction ignored the vote) issued a statement saying that they would "never accept the loss of their constitution" and threatened to denounce the moratorium on holding a referendum on the status of the Crimea.<sup>7</sup> At that time, local media informed about the formation of a new coalition in the Crimean parliament, campaigning for the Crimea's independence. A serious attack by this coalition was launched on the government of Anatoliy Franchuk, whose policy was called "anti-state" [anti-Crimean]. An important role in Franchuk's premiership in the Crimea might have been played by the fact that Franchuk's son was a son-in-law of the Ukrainian President Kuchma. On the same session, a vote of no-confidence was passed for Premier Anatoliy Franchuk, while he was hospitalised because of pneumonia, and the Vice-Premier, Andriy Savchenko, who delivered the Cabinet's report on behalf of the former. The *Qurultay* faction, prior to the ballot, declared that it would vote against Franchuk's dismissal and stated that these issues were "inspired by certain political forces within the Crimean Parliament," which were "interested in destabilising the situation on the peninsula"

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<sup>6</sup> *Ibid.*, p. 120.

<sup>7</sup> S. M. Chervonnaya, "Etnopoliticheskaya khronika: Khronika Osnovnykh Sobytyi (1994-1997)" [Ethno-political Chronicle: Chronicle of events (1994-1997)] in *Krymskotatarskoe Natsionalnoe Dvizhenie; Vozvrashchenie Krymskotatarskogo Naroda: Problemy Etnokulturnogo Vozrozhdeniya: 1994-1997 Gody*, Volume 4, Moscow, 1997, p. 215.

and “resolved to build their own political image on the Crimean ruins.”<sup>8</sup> After a brief intermission, another Vice- Premier, Arkadiy Demidenko, declared about the Cabinet’s full resignation; March 23<sup>rd</sup> session appointed on the post of Premier A. Drobotov, but the very next day it was decided to reject the resignation of the old cabinet. These events once again proved the weakness of the central authorities and the fact that the Crimean separatist-minded politicians were not going to surrender; the inability of the *Verkhovna Rada* of Ukraine to adopt the resolutions proposed by the Karmazin Commission made possible for the Crimean parliament to retire not fitting their interests government.<sup>9</sup>

### **3.2. Elections to the Local Soviet Councils of People’s Deputies**

Despite the fact that quota system of 1994 parliamentary elections turned to be a successful instrument in bringing the Crimean Tatars into the political life of the peninsula, the fragility of these arrangements became apparent when the time came for the elections to the local Soviet Councils of People’s Deputies of the Autonomous Republic of Crimea, which were scheduled on 26 April 1995. By its decree, dated 24 March 1995, the *Verkhovna Rada* of Ukraine delayed the holding of the elections until 25 June 1995 as the decrees of 17 March 1995 abolished the law on the elections to the local councils of Crimea and time was needed to bring into line the corresponding Ukrainian law that would provide the quotas for the Crimean Tatars and other deported peoples. However, when the new law “On Participation of the Citizens, Deported from the Crimea” was adopted by the *Verkhovna Rada* of Ukraine, the Crimean Tatar leaders announced that their people would not participate in the

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<sup>8</sup> *The Crimea: Chronicle of Separatism...*, p. 120.

<sup>9</sup> *Ibid.*, p. 119.

forthcoming election as this law in practical terms was actually depriving the Crimean Tatars of the possibility of taking part in the elections.<sup>10</sup> The decision was based on the fact that approximately 64,000 of the Crimean Tatar returnees still did not have Ukrainian citizenship. The mechanism of formation of additional constituencies for the deported peoples foresaw the establishment of such constituencies if the electors of any administrative-territorial unit expressed wish through submitting their applications indicating all personal data and deportation details and only if then the number of applications would be equal to the average number of the electors in basic constituencies. These applications were to be submitted to the electoral commission in at least two copies (approximately 300,000) as each elector would take part in elections of the two levels of power and it had to be done until April 21, 1995, a deadline which practically was very difficult to meet as there were only two weeks for this work to be accomplished.<sup>11</sup> Therefore, the arguments behind the decision of the Crimean Tatar *Meclis* about the impossibility of the enactment of this law seemed to be relevant.

As a result of the *Meclis*' instructions to its population and probably general disillusionment with the state of politics in the Crimea, turnout was very low – 53%.<sup>12</sup> As regards the results of the vote, 290 Communists, 37 members of the PERC, 5 Republicans (the RepPC), and 7 candidates from other parties, including the Ukrainian Republican Party, were elected to the Crimean local authority structures; there were two Communists among the newly elected district council chairmen and town council chairmen included one member of the USRC, two the CPC members

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<sup>10</sup> *BBC Monitoring Service*, 17 and 19 April 1995, as distributed by *Reuters*.

<sup>11</sup> Interview with Refat Çubar in *The Crimea: Chronicle of Separatism....*, p. 141.

<sup>12</sup> Andrew Wilson, "Politics in and around Crimea...", p. 306.

and one from the PERC. The Communists took charge of 13 village councils.<sup>13</sup> However, it was stated that only 36% of mayors and 30% of deputies have been elected to town councils and that repeat ballots would take place in a week and by-elections - in late August.<sup>14</sup> Thus, the fact that the local councils – the main bodies in charge of implementation of practical measures to the problems such as provision of electricity or water to the Crimean Tatar new settlements - were to be occupied by the Communists meant that the authorities would be no better disposed towards the Crimean Tatars than before.<sup>15</sup>

These elections were another illustration of the fact that the post-totalitarian society on the peninsula in many features remained the old communist system, only superficially touched by the process of political, social, and spiritual modernisation that started after the demise of the old empire. Thus, it was very difficult to talk about the end of the communist era and the establishment of a new democratic state. It was true that a similar situation existed in most of the parts of the ex-Soviet Union however, the above-mentioned characteristics are more clearly articulated in the Crimea.<sup>16</sup>

Most probably, influenced by the results of the local elections in which pro-Moscow candidates lost heavily, on 4 July 1995 the Crimean Supreme Soviet took a decision (54 to 35 with 2 abstentions) to oust its Chairman Sergey Tsekov, who led the region's failed attempts to distance the Crimea from Ukraine and establish close ties

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<sup>13</sup> *BBC Monitoring Service*, 3 July 1995, as distributed by *Reuters*.

<sup>14</sup> *BBC Monitoring Summary of World Broadcasts*, 3 July 1995, as distributed by *Reuters*.

<sup>15</sup> Andrew Wilson, "Politics in and around Crimea...", p. 306.

<sup>16</sup> Chervonnaya, *Krymskotatarskoe Natsionalnoe Dvizhenie...*, Volume 3, p. 31.



with Russia.<sup>17</sup> While one of the deputies, commenting on the dismissal, said that the reason behind this decision was Tsekov's orthodoxy and inflexibility in regard to Ukraine and failure to "built good relations with Kyiv and find a resolution for the confrontation," other deputies stressed that this was an "obvious defeat for pro-Russian forces" as Tsekov was replaced by the centrist, Yevhen Supruniuk, a member of the Crimean Agrarian faction.<sup>18</sup> The Chairman of the *Meclis*, Mustafa Cemiloğlu, on the other hand, predicted that a new speaker would "not herald fundamental changes to the autonomous republic's parliamentary policies." Tsekov confirmed this prediction by saying that he had no intention of leaving the political scene and, on the contrary, announced his plan to form a group that would be in "constructive opposition" to the parliament. The formation of such faction, the Republican Party of Crimea, led by Sergey Tsekov, was realised already on 2 August 1995.<sup>19</sup>

The dismissal of the chairman of the Supreme Soviet was followed by the full resignation of its presidium. Thus, on 13 July 1995, the Crimean parliament elected a new presidium, the new Deputy Speakers of which became Refat Çubar (the Crimean Tatar from the *Qurultay*), Anushevan Danelyan (Armenian from the Reform faction), Yuriy Podkopayev (Russian from the *Rossiya*).<sup>20</sup> So, a reshuffle of the powerful presidium of the Crimean Supreme Council had a positive effect on the Crimean Tatar position within the Crimean government and granted the *Qurultay* faction two seats: together with Çubar's position, the post of the Committee for Nationalities Policy and the Affairs of the Deported Nations as well.

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<sup>17</sup> L. Bucurova, "Po trudam svoim" [For His Work], *Avdet*, N. 13 (128), 17 July 1995, p. 2; *Reuters*, 5 July 1995; *The Crimea: Chronicle of Separatism...*, p. 165.

<sup>18</sup> *Ibid*; *Reuters*, 6 July 1995; "V krymskom parlamente novyy spiker" [A New Speaker of the Crimean Parliament], *Avdet*, N. 13 (128), 17 July 1995, p. 1.

<sup>19</sup> *BBC Monitoring Service*, 4 August 1995 as distributed by *Reuters*.

One of the first appeals of the new presidium was addressed to Leonid Kuchma on 26 July 1995 to change his decree of 31 March 1995, taking away the power of the Crimean parliament to form the new government that in practice, impeded interaction between the legislative and executive branches of power what, in turn, had a “negative effect on efforts to tackle the peninsula’s social and economic problems.”<sup>21</sup> As an answer to this appeal, the Ukrainian president on 9 August 1995 issued his decree [which was ratified on 21 August 1995], Article 1 of which ruled that “pending the adoption of a new Ukrainian constitution, the prime minister of the Autonomous Republic of Crimea would be appointed and dismissed by the Supreme Council of Crimea as agreed with the president of Ukraine.” Regarding the members of the Crimean government, they were to be chosen by the Crimean prime minister in agreement with the Supreme Council.<sup>22</sup> As a payback for the concession, the Edict additionally stipulated that the state administration was to replace the executive committees in all the regions of Crimea and be subordinated to the Crimean government, the Cabinet of Ministers of Ukraine and the President of Ukraine and their activities be guided by the Supreme Councils of Ukraine and Crimea.<sup>23</sup> Most probably, Kuchma’s decision was based not merely on his conviction that an appeal of the Crimean presidium was a true manifestation of the desire for fundamental change of the political and economic life of the Crimea, but on the revocation of the vote of no-confidence in the pro-Kyiv Prime Minister of Crimea, Anatoliy Franchuk.<sup>24</sup> However, after the Crimean parliament got some concessions from the Ukrainian president by using the annulment of the vote, in December of the same year

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<sup>20</sup> *The Crimea: Chronicle of Separatism...*, p. 166; *BBC Monitoring Service*, 13 July 1995, as distributed by *Reuters*.

<sup>21</sup> *BBC Monitoring Service*, 28 July 1995, as distributed by *Reuters*.

<sup>22</sup> *The Crimea: Chronicle of Separatism...*, p. 169; *BBC Monitoring Service*, 23 August 1995, as distributed by *Reuters*.

<sup>23</sup> *Ibid.*; *BBC Monitoring Service*, 30 August 1995, as distributed by *Reuters*.

it put the issue again on the agenda and then approved (73 votes to 8) a no-confidence vote in Anatoliy Franchuk.<sup>25</sup> Although it was claimed that the resolution “On No-confidence in the Prime Minister of the Republic of Crimea” was adopted in violation of the constitutional law of the Crimea “On the Government,” according to which a vote of no-confidence would not be extended to the prime minister, and not in line with the presidential decree “On the Bodies of State and Executive Power of the Autonomous Republic of Crimea,” arranging that such decisions might be taken only in agreement with the president of Ukraine, this time the resolution was not reassessed and even Kuchma could not back Franchuk as he did in the earlier attempt of the Supreme Council to unseat the letter.<sup>26</sup> Thus, a new acting Prime Minister (deputy prime minister) of Crimea on 27 January 1996 was appointed Arkadiy Demidenko, who previously was in charge of industry.<sup>27</sup> His official installation to the post of the Prime Minister of the Crimea was approved by the Ukrainian president a month later.<sup>28</sup>

### **3.3. Towards New Constitution**

Meanwhile, the Crimean parliament was working hard in its preparation of the new Crimean constitution. Thus, the version adopted by the Crimean Supreme Council on 21 September 1995 interpreted the Republic of Crimea as an integral autonomous part of Ukraine, which was to settle the matters within its remit independently as determined by this constitution and the constitutional law of Ukraine. The relations

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<sup>24</sup> The Crimean Parliament revoked its resolutions of no confidence in Franchuk on 2 August 1995; *BBC Monitoring Service*, 4 August 1995, as distributed by *Reuters*.

<sup>25</sup> “Parlament perestal doveryat’ Franchuku” [Parliament Stopped Confiding on Franchuk], *Avdet*, N. 23 (138), 11 December 1995, p. 2; *Reuters*, 8 December 1995.

<sup>26</sup> *BBC Monitoring Service*, 16 December 1995, as distributed by *Reuters*.

<sup>27</sup> *BBC Monitoring Service*, 29 January 1996, as distributed by *Reuters*

between the Crimea and Ukraine were to be predicated on legislative acts and accords on the basis of mutual agreement. Additionally, the Crimea could establish relations with other national and international organisations in the economic, environmental, and socio-cultural sphere independently.<sup>29</sup> However, this version did not envisage the re-establishment of the rights of indigenous peoples. The only concession made was the recognition of the co-existence on the territory of the Crimea of three languages Russian, Ukrainian, and Crimean Tatar, while the official language of communication was said to be Russian.<sup>30</sup> The same provisions were adjourned into the next draft of 1 November 1995.<sup>31</sup>

The presented drafts of the constitution certainly could not be accepted by the Crimean Tatars, and ten of the deputies of the *Qurultay* faction in the Crimean parliament, declared an indefinite hunger strike. In its statement, the *Qurultay* deputies, arguing that the newly prepared constitution did “not reflect the legitimate interests of the Crimean Tatar people,” demanded the re-consideration of the draft in a way that the representation of the Crimean Tatars in the Supreme Council and local government bodies would be guaranteed and equal status to all state languages in the Crimea granted.<sup>32</sup> As a response to the hunger strike, the Crimean Supreme Council amended Article 107 of the constitution, in accordance with which the parliamentary elections now were to be held in a mixed system (deputies would be chosen in a Crimea-wide multi-seat electoral constituency in proportion to the number of the

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<sup>28</sup> *BBC Monitoring Service*, 29 February 1996, as distributed by *Reuters*

<sup>29</sup> *BBC Monitoring Service*, 23 September 1995, as distributed by *Reuters*

<sup>30</sup> *Ibid.*; Belitser, p. 5.

<sup>31</sup> *BBC Monitoring Service*, 3 November 1995, as distributed by *Reuters*.

<sup>32</sup> Text of “Statement of the Qurultay Faction of the Crimean Tatar People regarding the adoption of the Constitution of the Crimean Autonomous Republic,” *Avdet*, N. 21 (136), 13 November 1995, p. 1; *BBC Monitoring Service*, 2 and 4 November 1995, as distributed by *Reuters*.

votes cast for candidates, nominated by electoral associations).<sup>33</sup> But, unfortunately, this provision did not correspond to the clause regarding the elections in the final version of the constitution. The Crimean Tatar *Meclis* was deeply disappointed with the position of the Ukrainian government because of its disinterest on this issue. “Protection of our legitimate rights is a matter of stability in the Crimea and that of maximum interest for Ukraine. So far, Kiev has made no decisive steps in that direction,” the leader of the Crimean Tatars, Mustafa Kırımoglu said on the press conference concerning the latest developments in the Crimea.<sup>34</sup>

The demands of the Crimean Tatars immediately received support of the democratic forces of the Crimea and Ukraine. Thus, the Crimean Democratic Forum for the Promotion of the Constitutional Process in Ukraine in its message to the Ukrainian president and prime minister condemned “the Ukrainian parliament’s open disregard for issues vitally important to the whole Crimean Tatar people” and pointed to a drastic reduction in funds allocated by the central government to the re-settlement of the returnees.<sup>35</sup> The State Independence of Ukraine (SIU) organisation, for its part, declared that it intended to represent the interests of the Crimean Tatars in the government structures of Ukraine by drawing the attention of relevant departments to the problems of the deported peoples of the Crimea.<sup>36</sup> On the other hand, the pro-Russian and Communist organisations of Crimea, fearing that permanently continuing at that time rallies and pickets of the Crimean Tatars would help them to attain their objectives, issued statements aiming to counterweight the pressure put by the Meclis

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<sup>33</sup> *BBC Monitoring Service*, 6 November 1995, as distributed by *Reuters*.

<sup>34</sup> “Press-konferentsiya Mustafy Dzhemileva” [Press conference of Mustafa Cemiloglu], *Avdet*, N. 22 (137), 27 November 1995, p. 1; *BBC Monitoring Service*, 16 November 1995, as distributed by *Reuters*.

<sup>35</sup> *BBC Monitoring Service*, 17 April 1996, as distributed by *Reuters*.

<sup>36</sup> *BBC Monitoring Service*, 1 December 1995, as distributed by *Reuters*.

and other democratic forces on the Crimean and Ukrainian authorities. “Deputies from the *Qurultay* are currently demanding that their national privileges be protected by the constitution in perpetuity, which would enable the Crimean Tatar minority to become a privileged ethnic group in [the] Crimea, permitting them to transform the republic into a Crimean Tatar state at some point in the future,” reads, for instance, a statement of the RepPC faction of the Crimean parliament.<sup>37</sup>

Unfortunately, the Ukrainian officials opposed the implementation of any laws or decrees establishing special rights for the Crimean Tatars, as they simply did not want singling them out among the other returnees, and “intended to solve the whole complex of repatriation problems on the basis of the criterion that they all belonged to the category of formerly deported peoples rather than to a specific ethnic group” as, in their opinion, adoption of such a course might “create an undesirable precedent in the aspect of development of the constitutional system in Ukraine.”<sup>38</sup> Certainly, the real reason behind this was a fear of the central government that any policy favouring the Crimean Tatars would enrage the Russian element of the Crimean society and exacerbate the situation even further. Thus, the Crimean Tatars, numerically far bigger and consciously more coherent as a nation than other ethnicities (namely, Bulgars, Greeks, Germans, or Armenians), were equated with all other minorities – the status that they had been possessing since 25 July 1992 when the Ukrainian law on national minorities was adopted.<sup>39</sup> So, all the proposals, claims, statements, and resolutions of the *Meclis/Qurultay* were either rejected or neglected.

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<sup>37</sup> *Reuters*, 1 December 1995.

<sup>38</sup> Belitser, p. 6.

### 3.4. The OSCE and the Crimean Question

The OSCE first became an active participant in the situation in the Crimea in the autumn of 1993, when the High Commissioner on National Minorities (HCNM) established contacts with the Ukrainian government subsequent to a letter, dated 15 July 1993, from then the Minister of Foreign Affairs, Anatoliy Zlenko, to all CSCE states concerning the situation in the dispute between Russia and Ukraine over Sevastopol and the Black Sea Fleet. Soon, the HCNM undertook several visits to the different parts of Ukraine, meeting with the leading representatives of the national minorities and NGOs, the parliaments and governments of Crimea and Ukraine. In its first decision of 26 May 1994 concerning the situation in Ukraine, the OSCE Permanent Committee (later the Permanent Council) “expressed great concern at the recent developments in the Republic of Crimea within Ukraine,” describing them as “a potential threat to the OSCE principles” that should “guide the search for a negotiated and legitimate solution of the present problems relating to the Crimean Republic’s autonomy within Ukraine.”<sup>40</sup> At its 27<sup>th</sup> meeting, the Committee of Senior Officials (CSO – now Senior Council) expressed its deep concern over the situation in the Crimea and reaffirmed “its commitment to support the sovereignty, territorial integrity and inviolability of the borders of Ukraine, in accordance with the OSCE principles.”<sup>41</sup> At the same meeting, it was decided to appoint a team of experts on constitutional and economic matters to be sent to Ukraine and to establish a CSCE Mission in Ukraine to support the work of experts and to report on the situation in Ukraine; the mandate of the mission was approved on 25 August 1994.

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<sup>39</sup> *Ibid.*

<sup>40</sup> cited in John Packer, “Autonomy within the OSCE: The Case of Crimea,” in Markku Suksi (ed.) *Autonomy: Applications and Implications*, Kluwer Law International, the Netherlands, 1998, pp. 306-307.

Despite the intense involvement and attempts to solve the problems of minority language issues and the resettlement of the Crimean Tatars, or to facilitate Kyiv-Simferopol dialogue on constitutional matters, little progress was achieved in concrete terms. Sometimes, in fact, the actions of some of the members of the mission even led to the worsening of the situation as, for instance, did a speech of the Swiss diplomat Andreas Kohlschutter, then the head of the OSCE mission to Ukraine, who in the conflict between the Ukrainian and Crimean sides provided his full support for the latter and charged the “powerful radical forces in the Ukrainian parliament” with vicious intentions to “punish and discipline the Crimea, and to destroy the Crimean autonomy.” This speech evoked much protest within Ukraine and met sharp negative reaction from many prominent international experts.<sup>42</sup>

More positive results had brought the round-table discussion of the Crimean and Ukrainian delegations on 11-13 May 1995, held in Locarno, Switzerland that was organised by the OSCE.<sup>43</sup> The meeting came amid rising tensions as the Crimean parliament announced on 25 April 1995 its intention to hold a referendum asking the Crimean population whether they were in favour of the reinstatement of the May 1992 Constitution and to hold a “consultative referendum” on 25 June 1995 with a question: “Do you support the creation of an economic and political union of three states – Belarus, Russia, and Ukraine?”<sup>44</sup> The Locarno Round-Table helped participants to come to the general agreement that the impasse could be overcome by readoption of the law “On Division of Powers between the State Bodies of Ukraine and Crimea” or of the 25 September 1992 version of the Crimean constitution, with

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<sup>41</sup> *Ibid.*, p. 307.

<sup>42</sup> Belitser, p. 5; “‘Krymskoe chudo’ OBSE” [The “Crimean Miracle” OSCE] and “Posleslovie k missionerskomu slovu,” *Avdet*, N. 11 (126), 13 June 1995, p. 1.

<sup>43</sup> *BBC Monitoring Service*, 15 May 1995, as distributed by *Reuters*.



the law's provisions added to it.<sup>45</sup> Both options for compromise were proposed by the Crimean delegation, which thought that the OSCE experts could choose one of them and then come up with their own recommendation. The HCNM considered the first proposal to be more appropriate, but in order to make the parties move to the substantive matters of division of powers it endeavoured to convince the Crimean side that it would not proceed with a referendum on its constitution while the Ukrainian government would not move to dissolve the Crimean parliament.<sup>46</sup> Although, the referendum was not held, some Crimean politicians still used every opportunity [especially when they thought Ukraine, by not approving some of the clauses of the Crimean constitution, was crushing their autonomy] to remind the central authorities about the 'referendum weapon.'

The HCNM also organised a Round-Table in Yalta on 20-22 September 1995 on "Reintegration of Deported Peoples in the Crimea."<sup>47</sup> Addressing this issue suited the interests of many parties, particularly, by drawing the attention of the international community to the need for significant financial support in order to ease the burden of Ukraine concerning the resettlement of the Crimean Tatars. The Yalta Round-Table afforded the HCNM to raise with various parties issues such as the acquisition of citizenship and effective political participation in Kyiv and Simferopol of the Crimean Tatars.<sup>48</sup> Thus, Max van der Stoep, the head of the HCNM mission in Ukraine, in his letter to the Ukrainian Foreign Minister, Hennadiy Udovenko, in November 1995 recommended keeping electoral quotas for the deported people in the Crimean

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<sup>44</sup> *BBC Monitoring Service*, 18 May 1995, as distributed by *Reuters*.

<sup>45</sup> *BBC Monitoring Service*, 15 May 1995, as distributed by *Reuters*.

<sup>46</sup> Packer, p. 309.

<sup>47</sup> "Initiativa OBSE" [Initiative of the OSCE], *Avdet*, N. 17 (132), 19 September 1995, p. 1; *BBC Monitoring Service*, 20 September 1995, as distributed by *Reuters*.

parliament and stressed the need to simplify the Ukrainian naturalisation procedure for the returnees.<sup>49</sup>

Similar recommendations concerning the *Meclis*' participation in the nomination of candidates for elected bodies and a proportional representation of the Crimean Tatars in the parliament of the ARC (Autonomous Republic of Crimea) were also made in subsequent letters dated 19 March and 5 April 1996.<sup>50</sup> These letters also suggested that the government of Ukraine approve the constitution of the Autonomous Republic of Crimea without delay, save for those provisions that were still contested and that the remaining constitutional differences would be resolved within a month thereafter.<sup>51</sup> As far as the provisions that were in dispute were concerned, Max van der Stoep said that there was no need to stipulate a Crimean citizenship in addition to the Ukrainian one as it was foreseen by the draft constitution of 21 September 1995. He also called for keeping the Crimean right to sign agreements that guaranteed the use of a just share of proceeds from Ukrainian property and the Crimean natural resources for the benefit of the Crimea.<sup>52</sup> Essentially, the High Commissioner recommended that the "fundamental matters of State (such as defense, security, and control over the continental shelf) should remain within the exclusive jurisdiction of the authorities in Kiev, while a wide variety of other matters could fall within the jurisdiction of the authorities in Simferopol."<sup>53</sup> The reaction of the Ukrainian

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<sup>48</sup> Packer, p. 310; L. Takosh, "Problemy reintegratsii deportirovannykh narodov v Krymu" [Problems related to the Reintegration of the Deported Peoples of the Crimea], *Avdet*, N. 18 (133), 2 October 1995, p. 1;

<sup>49</sup> "Rekomendatsii Verkhovnogo komissara OBSE po delam natsional'nykh men'shinstv" [Recommendations of the HCNM of the OSCE], *Avdet*, N. 22 (137), 27 November 1995, pp. 2-3; *BBC Monitoring Service*, 29 November 1995, as distributed by *Reuters*.

<sup>50</sup> Belitser, p. 6; "Zheneva prognoziruet budushchee" [Geneva Foresees Future], *Avdet*, N. 6-7 (145-146), 16 April 1996, p. 1;

<sup>51</sup> Packer, p. 311.

<sup>52</sup> *BBC Monitoring Service*, 29 November 1995, as distributed by *Reuters*

<sup>53</sup> Packer, p. 311.

government to these recommendations was very positive and, in fact, on 4 April 1996, the Ukrainian parliament adopted (230 against 7) the law “On the Autonomous Republic of Crimea,” approving the vast majority of the articles of the Crimean Constitution and leaving aside about 20 provisions from a total 136 articles.<sup>54</sup> Thus, the diplomatic activities of the OSCE and the skilful and timely interventions, combined with the personal attention devoted by the head of the HCNM have contributed significantly to the development of dialogue between two parties and to consideration of possible solutions, especially regarding matters related to the resettlement and repatriation of the Crimean Tatars. In the following years, Max van der Stoep continued to devote his attention to the “Crimean question.” During his visits to the country he pursued the role of a mediator in the contest between Simferopol and Kyiv on issues such as constitution, law on the elections to the Crimean parliament, and the problems of national minorities.<sup>55</sup>

### **3.5. The Ukrainian Constitution and the Status of the Crimea**

As a result of the constitutional process in Ukraine and the intense debates that were going on regarding the adoption of a new Ukrainian constitution, the majority of the Crimean political parties and movements (excluding, of course, the Crimean Tatar ones) had issued an appeal which stated that

“[T]he Autonomous Republic of Crimea was restored on the strength of the Crimean people's will and the results of the all-Crimea referendum of 20th January 1991. The desire to deprive [the] Crimea of the constitution means that a national-unitarian state is being built in Ukraine, where national minorities are stripped of their human and civil rights... The inconsistency and unreliability of the Ukrainian president, Leonid Kuchma, as regards his promises concerning federalism, bilingualism and greater economic rights for [the] Crimea, which he gave to the people of Crimea during the

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<sup>54</sup> *Reuters*, 4 April 1996; *BBC Monitoring Service*, 5 April 1996, as distributed by *Reuters*.

<sup>55</sup> L. Krymova, “OBSE nas ponimaet, a Kiev reshaet po-svoemu” [OSCE Understands Us, but Kyiv Decides on Its Own], *Krymskaya Pravda*, No 26 (21881), 4 November 1997, p. 2.

presidential election, evoke surprise and do not contribute to the consolidation of society. ...No-one can deprive us of the right to be part of the multi-ethnic people of Ukraine rather than a narrow ethnic subject called the 'Ukrainian people,' or of the right to use Russian as the second official language, to have our own constitution, our own legislative body - the Supreme Council of Crimea - to use the natural resources of Crimea independently and to have our own state symbols and territorial integrity, with Sevastopol being part of [the] Crimea.”<sup>56</sup>

The authors of the appeal demanded that the above rights of Crimean people be fixed in the Ukrainian constitution and if they were to be ignored, the authors of the document did “reserve the right to block the adoption of the antipopular constitution of Crimea-Ukraine by all legal means and acts of civil disobedience. We draw the attention of the world public to the violation of ethnic, economic, political and territorial rights of Crimean people,” says the document.<sup>57</sup>

This statement was another indication of the state of consternation among the Russian-speaking Crimean parliamentarians and fears that the new constitution of Ukraine would considerably limit their powers. And when the Ukrainian Constitution was adopted on 28 June 1996,<sup>58</sup> their worries were partly justified, though the Chairman of the Ukrainian Supreme Soviet, Oleksandr Moroz, pointed that the new constitution granted the Crimea a much wider range of powers than any previous legislation.<sup>59</sup>

The final text of the new constitution included a part – Chapter X – on the Autonomous Republic of Crimea, which, under the document, was an “inseparable

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<sup>56</sup> “Konstitutsiya Ukrainy: povod dlya partiynogo razvoda” [The Constitution of Ukraine: A Reason For Parties’ “Divorce”], *Avdet*, N. 12 (151), 24 June 1996, p. 1; *BBC Monitoring Service*, 22 June 1996, as distributed by *Reuters*.

<sup>57</sup> *Ibid.*

<sup>58</sup> Natalia Feduschak, “A New Constitution for a New Ukraine,” *Wall Street Journal*, 11 July 1996, p. 8; *BBC Monitoring Service*, 1 July 1996, as distributed by *Reuters*.

and integral part of Ukraine” and examined “issues within the limits of the powers ceded to it by the Constitution of Ukraine” (Article 134). The Supreme Council of Crimea possessed the right to adopt its own constitution, subject to approval by “not less than one-half of the constitutional composition of the Ukrainian parliament” (Article 135). This constitution granted the Ukrainian legislative body wide power over its Crimean counterpart. Thus, the Supreme Council of Ukraine had the right of “terminating the powers of the Supreme Council of the Autonomous Republic of Crimea prior to the expiration of its term if the Constitutional Court of Ukraine hands down a decision that it has violated the Constitution of Ukraine or the laws of Ukraine and calling special elections” to it (Paragraph 28, Article 85). The president of Ukraine, on his part, has the right to revoke the acts of the Council of Ministers of the ARC (Paragraph 16, Article 106). Article 136 stipulates that the chairman of the Supreme Council of Crimea shall be appointed and dismissed “with the approval of the president of Ukraine,” which simply confers a veto power over the head of the government of the ARC. It may also be noted that the Constitution of Ukraine does not grant the ARC power to make its own ‘laws’ but rather to adopt ‘normative acts.’ The lack of expressed law-making power led many observers to be critical of the Ukrainian Constitution’s treatment of the Crimean autonomy.<sup>60</sup> If that is not constraining enough, the constitution said that “should the normative-legal acts of the Supreme Council of the Autonomous Republic of Crimea contravene the Constitution of Ukraine and the laws of Ukraine, the president of Ukraine might suspend such normative-legal acts..., simultaneously submitting them to the Constitutional Court of Ukraine for a decision on their constitutionality” (part 2, Article 137).<sup>61</sup>

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<sup>59</sup> *BBC Monitoring Service*, 21 August 1996, as distributed by *Reuters*.

<sup>60</sup> Packer, p. 313.

It was clear that the constitutionally entrenched power that devolves to the Crimea by the new constitution was limited. However, in accordance with Article 155, Chapter X and other parts of the constitution dealing with the ARC may not be changed except by the process of Constitutional amendment required a qualified majority of two-thirds of the full membership of the Verkhovna Rada of Ukraine. Therefore, it was clear that the Autonomous Republic of Crimea would exist on the territory of Ukraine, but as substantial as the autonomy might in fact be in practice, it was to remain under close scrutiny from Kyiv.<sup>62</sup>

The adoption of the new constitution brought some positive effects for the Crimean Tatars' drive to get an official status as indigenous people [rather than as one of the national minorities of Ukraine or the Crimea]. The 1996 Ukrainian Constitution was the first document where the legal term "indigenous peoples" has been used. Thus, Article 11 stipulates, "the state shall promote the consolidation and development...of the unique ethnic, cultural, linguistic and religious attributes of all the indigenous peoples and national minorities of Ukraine." According to Article 92 (Paragraph 3) "the rights of indigenous peoples and national minorities" must be established exclusively by the laws of Ukraine, whereas Article 119 (Paragraph 3) reads that local state administrations with jurisdiction over a relevant territory shall ensure "execution of state and regional programmes for socioeconomic and cultural development, environmental protection programmes in areas of compact settlement by indigenous peoples and national minorities, also the programmes for the national-cultural development of these people and minorities." Unfortunately, the whole Chapter X bears no mention of indigenous peoples or any kind of specific provision ensuring

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<sup>61</sup> Constitution of Ukraine, Kyiv, 1996.

their rights with the only exception of Article 138 (Paragraph 9) saying that one of the prerogatives of the ARC is “participating in preparing and implementing state programmes on the repatriation of deported peoples.”<sup>63</sup>

Following the adoption of the Ukrainian Constitution, the Ukrainian Ministry of Justice and the *Verkhovna Rada*’s Committee on Human Rights, National Minorities and Inter-ethnic Relations formed together with the *Meclis*’ “Law and Politics” department a joint working group, which was going to prepare a draft legislation regarding the indigenous people of Ukraine.<sup>64</sup> In 1996-1997, a draft “Concept of National Policy of Ukraine Relating to Indigenous Peoples” as well as draft law “On the Status of the Crimean Tatar People” were developed and subjected to international review, then receiving positive responses. But, neither draft was accepted by the Ukrainian legislative body for further consideration, and high expectations raised by the developments seem to be gradually fading away.

### **3.6. The Third *Qurultay***

At a time when the *Verkhovna Rada* adopted the Ukrainian constitution, the Crimean Tatars convened the Third *Qurultay* (26-29 June 1996), the main task of which was to set out guidelines for the activities of its representative body – the *Meclis* - in the next

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<sup>62</sup> Packer, p. 312-313.

<sup>63</sup> Text of the Constitution of Ukraine.

<sup>64</sup> Belitser, p. 7.

five years.<sup>65</sup> New delegates for this convocation were elected; now 80 out of 157 represented the OCNM.<sup>66</sup>

Kırımoglu's keynote speech was a reflection of a more radical mood that now was prevalent among the delegates. It attacked the "chauvinist and ... semifascist parliament" of the Crimea and, emphasising Kyiv's failure to re-impose the quota system and saying that it was "sanctioning ... discrimination against our people and the denial of their legal rights," condemned the Ukraine's indifference to the plight of the Crimean Tatars.<sup>67</sup> The chairman of the assembly said that

It is sad that in our struggle with chauvinism and sometimes with outright Russian fascism in [the] Crimea, we have not received the necessary support from Ukrayina, although [the] Crimean Tatars and their representative body – the *Mejlis* – have always been the main and the most consistent supporters of the integrity and independence of Ukrayina. [It seems that] there are sufficient forces [in Kyiv], above all, those of a Communist and pro-Soviet orientation, to consciously torpedo the restoration of our rights.<sup>68</sup>

Mustafa Kırımoglu has also stressed that if the *Meclis* was not recognised in the future ... and if several of Ukraine's laws protecting rights of Crimean Tatars are not adopted, then "one can predict, with regret, that the political barometer in [the] Crimea will rise in an undesirable direction in the future."<sup>69</sup> The deputies, on their part, manifested their dissatisfaction with the state of affairs concerning the Crimean Tatars by the preparation of a document, entitled "On the Struggle with the Colonial Regime," calling for "the complete liquidation of the Russian colonial regime in [the] Crimea, the re-establishment of the national territory on the territory of the peninsula,

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<sup>65</sup> "Iz otchetnogo doklada predsedatelya Mezhlisa Mustafy Dzhemileva" [From the Speech of the Head of Meclis Mustafa Cemilev], *Avdet*, N. 13 (152), 8 July 1996, pp. 4-5; *BBC Monitoring Service*, 28 June 1996, as distributed by *Reuters*.

<sup>66</sup> *Ibid.*; Andrew Wilson, "Politics in and around Crimea...", p. 311.

<sup>67</sup> *Ibid.*

<sup>68</sup> *Ibid.*

<sup>69</sup> *BBC Monitoring Service*, 28 June 1996, as distributed by *Reuters*.



and the withdrawal of all the Crimean Tatar deputies from the representative bodies of the republic within two weeks unless they were guaranteed 33% representation at all levels. The document called on the *Meclis* to “make the necessary preparations for a mass, ongoing campaign of civil disobedience,” and declared that as “the possibilities for searching for agreement through parliamentary political activity are exhausted, the time has come to talk to political barbarians in a language they will understand.”<sup>70</sup>

Instead, the deputies adopted an appeal to the UN, the OSCE, the Council of Europe and other international organisations asking them to use every means envisaged by international law in order to help Ukraine effectively restore the political, civil, economic, social and cultural rights of the Crimean Tatars.<sup>71</sup> Although, the document used similar language, attacking the Ukrainian state for “encouraging a system of apartheid” in relation to the Crimean Tatars and behaving “no differently from the previous [Soviet] regime,”<sup>72</sup> the general attitude towards Ukraine was still positive as, for instance, the *Meclis* was ordered by the delegates to “resist vigorously any separatist attempts aimed at [the] Crimea’s secession from Ukraine.”<sup>73</sup>

Thus, the Third Crimean Tatar *Qurultay* certainly raised even more questions than it resolved old ones. Many observers, noting the then more articulated radical views revealed by the assembly members, began to express their worries in regard to the possible changes in the course of the *Meclis*’ activities. However, re-election of its leaders, Kırımoglu and Çubar, confirmed the continuation of the application of the

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<sup>70</sup> cited in Andrew Wilson, “Politics in and around Crimea...,” p. 311.

<sup>71</sup> Text of the Appeal in *Avdet*, N. 13 (152), 8 July 1996, p. 3; *BBC Monitoring Service*, 1 July 1996, as distributed by *Reuters*.

<sup>72</sup> *Ibid*; Andrew Wilson, “Politics in and around Crimea...,” p. 312.

<sup>73</sup> *BBC Monitoring Service*, 1 July 1996, as distributed by *Reuters*.

basic principles of nonviolence and constitutional protest that had been used by the *Meclis* in its work since its establishment.<sup>74</sup>

### 3.7. Renewed Attempts to Secede?

During 1997 some positive changes, particularly in the field of economy, occurred in Ukraine, but the socioeconomic situation in the Crimea could only be described as catastrophic and the authorities of the autonomous republic continued to demonstrate their inability to solve any problems, preferring involvement in politicking and struggle for power. In the beginning of the year, one of the most important events was adoption of a resolution on the re-organisation of the Cabinet of Ministers of the ARC, which was initiated as a result of its unsatisfactory work. In every sphere of industry the situation was critical and plans were not completed; mass violations, confirmed by documents, of the expenditures of the budget were revealed. Thus, the resignation of Arkadiy Demidenko, the head of the government, and his Cabinet was demanded.<sup>75</sup> In February, when the Sixth Session of the parliament had to take place, “Anti-corruption Deputy Faction,” headed by Sergey Tsekov, in an attempt to get some ministerial seats, for a long time paralysed the work of the council;<sup>76</sup> and in March of 1997, the Crimean parliament stripped seven deputies, who belonged to the opposition, of their mandates. This created an adequate legal basis for the dissolution of the Crimean parliament as the central authorities argued that the act was

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<sup>74</sup> Andrew Wilson, “Politics in and around Crimea...,” p. 312.

<sup>75</sup> Aleksey Nezhivoy, “Smena pravitelstva – rabochiy moment gosudarstvennogo stroitelstva” [Change of the Government – Working Time of the State Building], *Krymskoye Vremya*, N. 14 (158), 25 January 1997, p.4; “Novosti Kryma” [News of the Crimea], *Sevastopolskaya Pravda*, N. 16 (107), April 1997, p. 3.

<sup>76</sup> Aleksandr Denisyuk, “Oppozitsiya udarilas’ v torgi” [Opposition Became Obsessed with Bargaining], *Pravda Ukrayiny*, N. 22 (15903), 21 February 1997, p. 1; Tatyana Korobova, “V Parlamente bez peremen” [No Change in the Parliament], *Den’*, N. 31 (79), 21 February 1997, p. 2.

“unconstitutional and undemocratic.”<sup>77</sup> On his part, Kuchma signed a decree vetoing two Crimean Supreme Council legal acts of 12<sup>th</sup> and 13<sup>th</sup> March – “On the Emergency Procedure for Organising the Work of the Crimean Supreme Council,” according to which resolutions adopted by a majority of deputies present at a session would acquire the status of the Crimean Supreme Council resolutions, and “On the Measures to Overcome the Crisis in the Crimean Supreme Soviet,” suspending the powers of these seven deputies before the end of their term, respectively.<sup>78</sup> Both resolutions were manifestations of the attempts that seem to have become everlasting - to gain greater autonomy from the centre.

However, being faced with the threat to be dissolved as a whole, the ruling bloc “*Respublika Krym*” and “Anti-corruption opposition” of the Crimean parliament were reconciled and undertook a joint attempt to replace then present government, and only on 4 June was Demidenko replaced with Franchuk.<sup>79</sup> The Crimean Tatar *Qurultay* faction, which was now the only opposition left in the parliament,<sup>80</sup> in its statement, dated 21 May 1997, said that the majority of the deputies forced to resign

“the head of Cabinet, known to be neutral in the relations between the parliamentary factions, and supporting the constitutional order and the President of Ukraine, and elected the candidate, who already once had occupied this post and was replaced for incompetence, bad governing, a number of very serious failures in the socio-economic sphere that happened little more than a year ago. This candidate paved the way to the heart of the majority not with his professional competence, but generous promises of distributing offices and his well-expressed anti-Crimean Tatar position. Characteristically for the Crimean parliament, the decision was taken with violation of determined by the law order, as the President of Ukraine was faced with an already

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<sup>77</sup> *ITAR-TASS*, 21 March 1997.

<sup>78</sup> *BBC Monitoring Service*, 28 April 1997, as distributed by *Reuters*; “Kto kapaet yamu premyeru?” [Who is Laying a Trap for the Prime-Minister?], *Flot Ukrayiny*, N. 19 (321), 17 May 1997, p. 7.

<sup>79</sup> “Reshenie o krymskom premyere prinyato” [Decision regarding the Crimean Prime Minister is Taken], *Krymskaya Gazeta*, N. 101, 4 June 1997, p. 1; Yekaterina Navarina, “Pravitel’stvo Kryma” [The Government of Crimea], *Nezavisimost*, N. 103-104, 6 June 1997, p. 2.

<sup>80</sup> Vladimir Pritula, “VS Kryma: nasha pesnya khorosha, nachinay snachala” [Supreme Soviet of the Crimea: Our Song is Good...], *Flot Ukrayiny*, N. 21 (330), 31 May 1997, p. 6.

accomplished action; on the other hand, the government, formed on the bases of all-parliamentary coalition, was brought to the edge of collapse.”<sup>81</sup>

Interestingly enough, it was the same parliament which in 1995 held a vote of no confidence in Franchuk and it was not simply because of his incompetence, but also because of allegations against his using the post in private interests when dealing with such issues as privatisation and budget expenditures. Now, Franchuk was re-elected with an absolute majority of votes (77 out of 89).<sup>82</sup>

The following initiative of the Crimean parliament that certainly did not facilitate the stabilisation of the relations between Simferopol and Kyiv was the adoption of a resolution proclaiming Russian the official language of business communication on the territory of the peninsula and passing of the law “On Timekeeping in the Autonomous Republic of Crimea,” according to which the peninsula should switch to Moscow time.<sup>83</sup> The subject of the first resolution referred to one of only two articles of the new draft of the Crimean constitution that had remained outside of any agreement and maybe because of that the reaction Ukrainian authorities was not so abrupt.<sup>84</sup> However, the second decision was overruled before its implementation by the president’s decree.<sup>85</sup>

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<sup>81</sup> Statement of the *Qurultay* fraction of the Crimean Tatar people “On the Situation in the Crimean Supreme Soviet, Turned out as a Result of the Attempt to Replace the Chairman of the Cabinet of Ministers of the Crimea,” 21 May 1997, Simferopol, manuscript in the possession of the author.

<sup>82</sup> Vladimir Pritula, “Triumfal’noe Vozvrashchenie Anatoliya Franchuka” [Triumphal Return of Anatoliy Franchuk], *Zerkalo Nedeli*, N. 23 (140), 7-13 June 1997, p. 4; Nikolay Astakhov, “Tretiy raz voshel v odnu vodu,” *Priazovskaya Zvezda*, N. 42, 7 June 1997, p.1; Sergey Maksimov, “Vtoroye Prishestviye Anatoliya Franchuka” [Second Coming of Anatoliy Franchuk], *Region*, N. 18 (94), 7-14 June 1997, p. 3.

<sup>83</sup> V. Orlov, “Dorogie krymchane! Etoy nochyu ne trogayte strelki chasov I vy vnov’ budete zhit’ ne po ‘l’vovskomu vremeni’ a so zdravym smyslom” [Dear Crimeans! Do not Move Hands of Your Clocks...], *Krymskaya Pravda*, 25 October 1997, p. 1; *BBC Monitoring Service*, 17 October 1997, as distributed by *Reuters*.

<sup>84</sup> *BBC Monitoring Service*, 21 June 1997, as distributed by *Reuters*.

<sup>85</sup> *Reuters*, 25 October 1997.

In the beginning of 1998, the Crimean parliamentarians took more radical decisions aimed at irritating Kyiv. Thus, on 4 February 1998 session, 45 out of 62 deputies attending the meeting approved the proposal, put forward by Deputy Nataliya Grudina, to draft a bill on the constitutional return of the ARC to Russia and to submit it to the Ukrainian Supreme Council for the approval. In the same session, the parliament supported a proposal to hold a referendum on a status of the Crimea simultaneously with the elections to the Crimean Supreme Soviet.<sup>86</sup> Although, the decision was not implemented, it would be noteworthy to say that the discussions about the referendum were going on throughout the whole year. Some deputies, such as Vladimir Klychnikov, a head of the Constitutional Commission, and Leonid Grach, when contemplating the articles of the draft constitution were proposing to take as a basis for the autonomous status of Crimea the referendum of the 20 January 1991, but this possibility was rendered obsolete by the old parliament;<sup>87</sup> so; the only alternative was to hold new poll, the consequences of which could be far more reaching.

Interesting comments on this event were made by the Russian newspaper *Izvestia*, which said that such initiatives by the Crimean parliament brought a lot of harm to Russian-Ukrainian relations, and especially Russia as Ukraine was still a fraternal Slavic state and Russia's strategic partner. The author summed up by saying that before applauding such actions they [the Russians] must give serious thought to the question of whether the return of the Crimea to Russia complied with the interests of concord between Kyiv and Moscow, even if the majority of the Crimeans leaned that way.<sup>88</sup>

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<sup>86</sup> *BBC Monitoring Service of World Broadcasts*, 16 February 1998, as distributed by *Reuters*.

<sup>87</sup> Nataliya Gavrilova, "Resultaty togo referendum nikto ne otmenyal" [Nobody Cancelled the Results of the Old Referendum], *Krymskoye Vremya*, N. 9 (153), 18 January 1997, p. 3.

<sup>88</sup> *Izvestia*, 7 February 1998, as distributed by *Reuters*.

### 3.8. The 1998 Parliamentary Elections

The situation on the peninsula intensified further before the parliamentary elections of 1998. The form the elections to the Supreme Council of Crimea were to take place was not codified in the Crimean constitution, so the debate in both parliaments developed around the issue. On 28 December 1997, the *Verkhovna Rada* of Ukraine approved (227 against 42) the final version of the law of Ukraine “On the Elections of Deputies to the Supreme Council of the Autonomous Republic of Crimea,” in accordance with which the Crimean parliament would consist of 100 deputies, 50 of whom would be elected in single-seat constituencies and another 50 – from the lists of candidates nominated by republican branches of political parties.<sup>89</sup> Unfortunately, the law did not mention the quotas for the national minorities that were introduced before the 1994 elections. This meant that 55% of eligible voters of the Crimean Tatar nationality that still did not have the Ukrainian citizenship would not be able to vote in the forthcoming elections. The only concession, if it could be called such, that was made was related to the formation of the constituencies. In accordance with the law, if the number of electors belonging to an ethnic minority was greater than required to form one constituency, constituencies were to be formed so that electors representing the minority would constitute a majority at least in one of the constituencies.<sup>90</sup>

However, Kuchma objected the new law; he argued that majority/proportional elections would only lead to the intensification of political fighting on the peninsula, therefore the election to the Crimean parliament had to be held according the majority

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<sup>89</sup> “Vchera Verkhovna Rada Ukrainy okonchatel’no prinyala zakonoproekt Lva Mirimskogo o Vyborakh v Verkhovnyi Sovet Kryma” [Yesterday, the Verkhovna Rada of Ukraine Passed the law on Elections to the VR of Crimea], *Krymskoye Vremya*, No 224, p. 1; *BBC Monitoring Service*, 22 December 1997, as distributed by *Reuters*.

system only.<sup>91</sup> As a result, the Ukrainian parliament agreed with the president's proposal and also amended the Article 4 of the law on the Supreme Council. The new version stipulated that the Crimean parliament could appoint and dismiss the chairman of the Council of Ministers of the Crimea with the agreement of the Ukrainian president and had the right to regulate the formation of the Council of Ministers of the Crimea as well as monitor its activities in accordance with the Ukrainian laws, whereas the previous version gave the right to the Crimean Supreme Soviet to appoint and dismiss the chairman of the council on the recommendation of the parliament's chairman.<sup>92</sup> Thus, the legal powers of the Crimean parliament were once again constrained. Interestingly enough, it was already in May of 1997, the time when the draft law on the Crimean parliament was presented by the Ukrainian Ministry of Justice, that the proposal was vehemently criticised by the media and called a "juridical bomb" for the Crimea. Then, *Krymskiye Izvestiya*, raised the following question, "Is the Crimea an "internal colony" or a field for experiments by the Ukrainian government?" Alluding to the fact that the adoption of the new law would substantially limit the powers of the executive branch of the government and make it totally dependant on the central authorities, journalists came to a common opinion, saying that Kyiv's practices were of "colonial" character.<sup>93</sup>

However, no amendments were made with regard to the national minorities' representation in power structures; the proposal of Kuchma to the Ukrainian parliament to create conditions whereby the Crimean Tatars and other deportees who returned to Ukraine for good, but had no citizenship at that moment could vote in the

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<sup>90</sup> *BBC Monitoring Service*, 29 December 1997, as distributed by *Reuters*.

<sup>91</sup> *Infobank*, 22 January 1998.

<sup>92</sup> *BBC Monitoring Service of World Broadcasts*, 12 February 1998, as distributed by *Reuters*

forthcoming elections was rejected,<sup>94</sup> mainly because of the Ukrainian Communist and leftist parties' fear that it might boost chances of rival parties in the elections.<sup>95</sup> Meanwhile, the Crimean Tatars initiated protests and demonstrations on the territory of the peninsula and were received by armoured vehicles and the police force, the numbers of which were slightly less than the numbers of the participants in these rallies.<sup>96</sup> The reaction of the authorities to these demonstrations was strongly criticised by the democratic forces of Ukraine. The head of the Ukrainian president's administration Yevgeniy Kushnaryov blamed the parliament for the actions that put the Crimean Tatars in the focus of developments in the country and stressed that the ignorance of their problems would only lead to the aggravation of the situation in the country. He added that it was abnormal that in a democratic state people had to defend their rights by means of staging demonstrations and acts of disobedience.<sup>97</sup>

Despite all these protests and appeals, the elections took place in accordance with the earlier adopted law without any amendments. The worst predictions came true for the Crimean Tatars as none of their deputies was able to acquire a seat in the Crimean parliament, except Lentun Romanovich Bezaziyev, the fully Russified Communist, who was elected due to the overwhelming support of his party. His stance towards the Crimean Tatars can be understood only by the fact that he is a member of the CPC – the party policies of which have always been directed to oppress these people. However, the Crimean Tatars knew Bezaziyev, too. They still did remember that in the beginning of 1980s, when the USSR government in order to halt the beginning of

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<sup>93</sup> Aleksandr Shvets, "Yuridicheskaya bomba dlya Kryma" [Juridical Bomb for the Crimea], *Krymskiye Izvestiya*, N. 86 (1336), 12 May 1997, p. 2.

<sup>94</sup> *BBC Monitoring Service of World Broadcasts*, 7 March 1998, as distributed by *Reuters*

<sup>95</sup> *Reuters*, 24 March 1998.

<sup>96</sup> *Reuters*, 28 March 1998.

<sup>97</sup> *ITAR-TASS*, 25 March 1998.



the return of the Crimean Tatars to the Crimea initiated a project that was aimed at building of an “artificial motherland” for these people in Uzbekistan’s Kaşkaderya desert (Mübarek and Baharistan towns), he was playing very important role in realisation of this idea in Mübarek.<sup>98</sup> They also would never forget the speech he made on May-Day celebrations of 1997, where addressing the crowd of communists and chauvinists he said, “If we do not build the union of Slav states... in the near future Turkish soldiers will come to the Crimea and putting their hands under women’s skirts, they will be squeezing their tits.”<sup>99</sup> It is not possible to say much about the person who was in capacity to say these kind of words, but it is much easier to understand his position with regards to his nation.

In general, the Communist Party of Crimea won most of the seats in the parliamentary elections (36%), while members of the Agrarian party won 5%, the Soyuz (Union) and People’s Democratic Party of Ukraine (PDPU) – 4% each; the PERC got two seats, the Socialist Party and the Russian Community of Crimea got one seat each. Independent candidates won half of the seats in the Crimean Supreme Council.<sup>100</sup>

Following the elections to the Supreme Council, its members in the secret ballot elected their new chairman: Leonid Grach, the leader of the Crimean communists,<sup>101</sup> a coalition government, mainly consisting of the representatives of the first four parties

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<sup>98</sup> Nadir Bekir, “Ukrayna Devlet Organlarında Demokratikleşme ve Kırım Tatar Halkının Temsili Meselesi” [Democratisation in Ukraine’s State Organs and the Issue of Representation of the Crimean Tatars], *Emel*, No. 225, March-April 1998, p. 6.

<sup>99</sup> *Ibid.*

<sup>100</sup> *Infobank*, 2 April 1998.

<sup>101</sup> *Infobank*, 14 April 1998.

that received most of the votes, was formed;<sup>102</sup> and Sergey Kunitsyn, the leader of the local branch of the PDPU, was elected the chairman of the Council of Ministers.<sup>103</sup>

### 3.9. The Adoption of the Crimean Constitution

The newly formed parliament, headed by the experienced and skilful Grach, completed the work that their predecessors could not accomplish. The fifth version of the Crimean Constitution, as usual prepared without participation and taking into consideration the views of the Crimean Tatars, was passed by the Supreme Soviet of Crimea on 21 October 1998. In accordance with the new constitution, the chairman of the parliament received additional powers in approving the appointments of heads of peninsula's ministries and agencies with subordination to Kyiv. The article stating that the Russian language would be the only official language of autonomy was excluded; this caused the Russian-speaking population of the peninsula to spread out on the streets with slogans, blaming Grach for this development.<sup>104</sup> The new version stipulated that the functioning, development, usage and the protection of Russian, alongside with Ukrainian, as the official/national language, and Crimean Tatar, were guaranteed, but that the Russian language would be used as a language of communication in all spheres of public life.<sup>105</sup> Interestingly enough, the Russian State *Duma*, on 23 October 1998, issued a statement "On the Affirmation by the Constitution of the ARC of the Ukrainian as the Only State Language on the Territory

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<sup>102</sup> ITAR-TASS, 27 May 1998.

<sup>103</sup> Nataliya Gavrilova, "Sformirovano Pravitelstvo" [The Government is Formed], *Krymskoye Vremya*, 28 May 1998, p. 1; *BBC Monitoring Service of World Broadcasts*, 29 May 1998, as distributed by *Reuters*.

<sup>104</sup> "Bolshevism – yad, beregi rebyat" [Bolshevism is a Poison, Keep Children Out of It], *Krymskoye Vremya*, No. 193, 22 October 1998, p. 1.

<sup>105</sup> *Infobank*, 29 October 1998; *BBC Monitoring Service*, 29 December 1998, as distributed by *Reuters*.

of Crimea.”<sup>106</sup> Although, the mentioning of Ukrainian as official language was perceived by the Russian-speaking population of Crimea and by Moscow as a concession made to Kyiv, nothing prevented the Crimean authorities from using Russian, whereas the Crimean Tatar was consigned to the status of the language of any other nationality in the Crimea.

The final version of the constitution was consequently adopted by the Ukrainian parliament (230 against 67) on 23 December 1998 session,<sup>107</sup> though only a week before, on 15 December, the Ukrainian parliamentarians could not reach a consensus, as the right-wing politicians claimed that the Crimea was given too many rights.<sup>108</sup> The members of the *Rukh*, for instance, stated that although the most unacceptable notions like separate Crimean citizenship and statehood had been eliminated, a number of the articles was still in conflict with the Ukrainian constitution. Additionally, the new Crimean Constitution did not mention the specificity of the legal status of the Crimean Tatars and did not provide them with the guaranteed representation in the local legislature.<sup>109</sup> However, the adoption of the draft constitution took place and it became possible after the *Rukh* deputy Ivan Zayets proposed an amendment, stating that in case of collision between the provisions of the Crimean and Ukrainian Constitutions, the latter would take precedence. The inclusion of this amendment seriously violated the parliamentary procedure as the Ukrainian deputies had no right to introduce any changes, but were able only to approve or disapprove the constitution as a whole.<sup>110</sup>

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<sup>106</sup> Belitser, p. 8.

<sup>107</sup> *BBC Monitoring Service*, 29 December 1998, as distributed by *Reuters*.

<sup>108</sup> *ITAR-TASS*, 15 December 1998; *BBC Monitoring Service*, 17 December 1998, as distributed by *Reuters*.

<sup>109</sup> Belitser, p. 8.

<sup>110</sup> *Ibid.*

The law “On Approval of the Constitution of the Autonomous Republic of Crimea” was signed by the Ukrainian president on 1 January 1999 and the new constitution came into force on 12 January 1999, when its text was published by the official gazette of Ukraine.<sup>111</sup> Its “author,” Leonid Grach, said at a news conference that the adoption of the constitution “was a holiday achieved through suffering” and claimed that the political struggle would intensify instead of subsiding, as “anti-Communist hysteria” would be started.<sup>112</sup> He also expressed his appreciation to the “forces of Crimea and Ukraine, which ‘worked’ on the constitution” and to the president of Ukraine “for display of wisdom and political realism.” Talking about the merits of the new constitution, Grach has pointed out that “it declares the inviolability of today’s autonomy” (which can not be changed without all-Crimean referendum and corresponding decision of the Crimea’s Supreme Soviet) and makes the autonomy the only “owner of its lands and natural resources, thus, giving the Crimean government a right to play a role of guarantor for attraction of domestic and foreign investment.”<sup>113</sup>

Certainly, Grach had the right to cherish his “child,” but it was clear that implementation of such a constitution would not positively affect the political situation in the Crimea and, especially, inter-ethnic relations. The stabilisation of the situation could not even be imagined first of all with such leader as Grach, whose powers and position were much strengthened by the new constitution.

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<sup>111</sup> O. Shakhnyuk, “S dnem rojdeniya, Konstitutsiya Kryma!” [Happy Birthday the Crimean Constitution!], *Krymskaya Pravda*, No. 4 (22176), p. 1; *BBC Monitoring Service*, 1 and 12 January 1999, as distributed by *Reuters*.

<sup>112</sup> *BBC Monitoring Service*, 12 January 1999, as distributed by *Reuters*.

<sup>113</sup> O. Shakhnyuk, “S dnem rojdeniya, Konstitutsiya Kryma!” p. 1.

A clear-cut position with regards to the new constitution was immediately expressed by the leaders of the Crimean Tatars community who said that it undermined the restoration of the rights of their people and would not promote inter-ethnic tolerance and mutual understanding among the peninsula's population.<sup>114</sup> This issue was a major subject of the regional conference of the delegates to the Third *Qurultay*, convened on 21 November 1998. The delegates appealed to the Ukrainian Parliament and President not to consider the draft Constitution of the ARC until special laws concerning the Crimean Tatar issues were adopted, but their request was rejected. Instead, during his visit to the Crimea in August 1999, Kuchma stressed that "there could not be any "favouring" for the Crimean Tatars on the state level before other deported peoples; the Ukrainian government, therefore, could take into consideration only the fact that the Crimean Tatars is the most numerous group."<sup>115</sup> No answer was received from the Council of Europe, where several Crimean Tatar NGOs filed their appeals. Only Grach reacted on these statements by saying that the rights of the Crimean Tatars were violated neither by the Ukrainian authorities nor by the Crimean administration and stressed that those who were trying to play on the sharpening of the nationalist sentiment among the Crimean Tatars would not achieve their goals.<sup>116</sup>

### **3.10. Post-Adoption Events and Developments**

The fact that the new Crimean Constitution would have a negative impact not only for the Crimean Tatar community, but for the deterioration of the inter-ethnic situation on the peninsula as a whole soon became evident. During the night of 15 January 1999,

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<sup>114</sup> ITAR-TASS, 4 January 1999.

<sup>115</sup> "O prebyvanii L. Kuchmy v Simferopole" [On Kuchma's Visit to Simferopol], *Krymskiye Izvestiya*, N. 170 (1921), 1 September 1999, p. 2.

<sup>116</sup> *BBC Monitoring Service*, 31 March 1999, as distributed by *Reuters*.

the building of the Crimean Tatar parliament – the *Meclis* - was attacked, and the office of its chairman burned and destroyed. The day before, the water and telephone services to the building were cut, which provided some evidence that the crime was a planned one.<sup>117</sup> Throughout 1999, several mosques were burned and graveyards and monument in the capital of the Crimea dedicated to the victims of the deportation were vandalised. Anti-Crimean Tatar (anti-Muslim) propaganda has been resumed in the Crimean mass media. Thus, for instance, following a rally of protest to Russia's actions in Chechnya, held by 30 Crimean Tatars in front of the then newly opened Russian Consulate in Simferopol,<sup>118</sup> the Russian and Crimean press started to disseminate rumours about so-called military formations of the Crimean Tatars, which had supposedly been trained for operations in Chechnya.<sup>119</sup> Thus, the Russian *Obshchaya Gazeta* wrote

“Calls for a jihad are being heard in Crimea's mosques. Militants from the ranks of Crimean Tatars trained in special camps are fighting in Basayev's and Khattab's squads. ... The peninsula's Tatar community has picketed the Russian Consulate in Simferopol with the slogan: “We Are With You, Shamil!”...Wahhabism is being introduced to Crimea...”<sup>120</sup>

Other newspapers were even talking about the *Meclis*' assistance for the Chechen “mafia leaders” in obtaining property, particularly houses, on the territory of the Crimea.<sup>121</sup> Unfortunately, despite the fact that all these was merely canards, publications of this sort were the main political event in the Crimea in the autumn of 1999, eclipsing even the presidential elections in Ukraine, and continued to occupy

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<sup>117</sup> *BBC Monitoring Service*, 16 January 1999, as distributed by *Reuters*.

<sup>118</sup> Vladislav Ryabchikov, “Oni podderzhivayut chechenskikh banditov” [They Support Chechen Bandits], *Krymskaya Pravda*, N. 184 (22356), 7 October 1999, p. 1.

<sup>119</sup> “Chechenskie emissary verbuyut naemnikov v Krymu” [Chechen Emissaries Recruit Mercenaries in the Crimea], *Krymskaya Pravda*, N. 202 (22374), 3 November 1999, p. 1.

<sup>120</sup> Boris Sinyavskiy, “We are Together and Apart,” *Obshchaya Gazeta*, 18 November 1999, as distributed by *FBIS-SOV-1999-1118*; Nikolay Semena, “Medzhlis: “vakhkhabism” v Krymu pridumali possiyskie SMI” [The *Meclis*: “Vakhhabism” was Invented by the Russian Media], *Den*, N. 241 (778), 28 December 1999, p. 1; “Medzhlis: “vakhkhabism” v Krymu...,” *ARRAID*, N. 1 (14), 2000.

<sup>121</sup> “Lidery chechenskikh bandformirovaniy ischut puti migratsii” [Leaders of Chechen Bandit Groups Are Seeking for Ways to Migrate], *Krymskoye Vremya*, N. 264 (823), 30 November 1999, pp. 2-3.

the front pages of the Crimean press in the following months.<sup>122</sup> Similar information was present in the foreign press. Thus, *The Economist*, in one of its articles quoted Mr. Shuvaynikov, who said that the Crimean Tatars were “hand-in-glove with the Chechens,” and were helping “run up secret training camps with other Islamic extremists.” However, the author has carefully assessed the situation and maintained that although there is great sympathy among these people for the Chechens’ plight and their impoverished community is looking after 200 Chechen orphans, the Crimean Tatars are not to resort to the same methods with the Chechens if their basic problems will be solved, as their concerns are mainly practical.<sup>123</sup>

Thus, all the developments following the adoption of the Crimean Constitution upset the fragile inter-ethnic accord in the peninsula and resulted in the further disillusionment and growing dissatisfaction of the Crimean Tatars with their position and the response of the local and national authorities to their plight. The scale of their protests, for instance, increased dramatically and this was apparent on the demonstrations of 18 May 1999, commemorating the 55<sup>th</sup> anniversary of their deportation. In an attempt to improve the situation at least a little, President Kuchma signed a decree “On the Council of Representatives of the Crimean Tatar People,” which in compliance with Article 106 (Paragraph 28) of the national constitution, *de facto* legalised the *Meclis* as a consultative-advisory body under the cabinet of

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<sup>122</sup> Similar articles appeared in *Fakty*, “Vakhkhabism prost, kak stolb, i agressiven, kak sernaya kislota,” N. 10 (0587) and in *Ukrayina Moloda*, “Kryms’kykh tatar u Chechni ne nado,” N. 10 (1330), both dated 20 January 2000 and other newspapers.

<sup>123</sup> “Crimea’s Sad Tatars,” *The Economist*, Vol. 355, Issue 8169, 5 June 2000, p. 55; Brian Humphreys, “Unlike Chechens, the Tatars May Get Rights without War,” *Christian Science Monitor*, Vol. 87, Issue 71, 3 September 1995, p. 7.

president.<sup>124</sup> But even this compromise was not fully implemented because of the disagreements over the way of its functioning.

Similarly, many other problems related to the Crimean Tatars still remained to be unresolved or the decisions for their implementation were not put in practice. One of such problems was the issue of citizenship. On 22 August 1998, the Ukrainian government signed an agreement with Uzbekistan “On Solution of the Problems of the Deported People and Their Families, Who Return from Uzbekistan to Ukraine,” in accordance with which the procedure for receiving Ukrainian citizenship for deported people was simplified. The agreement was valid until 31 December 1999 and, according to the data provided by the Main Administration of the Ministry of Internal Affairs in the Crimea, 59.3% (36,605) of 61,777 people, who were citizens of Uzbekistan were able to acquire the Ukrainian citizenship before 2000.<sup>125</sup> The members of the Council, representing the Crimean Tatars in the president’s cabinet, asked Kuchma for additional measures regarding the citizenship issue such as receiving without consulate payments a passport for international travelling and for visa-free entering of the country for those who had already given up citizenship of another state.<sup>126</sup> Although the request was accepted, there were no signs of practical realisation of the president’s decision. Additionally, no prolongation of the agreement with Uzbekistan was achieved; thus, approximately 25,000 repatriates, not taking into

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<sup>124</sup> *BBC Worldwide Monitoring*, 19 May 1999, as distributed by *Reuters*; “Pri Presidente Ukrayiny sozdan sovet predstaviteley krymskotatarskogo naroda” [Under the Cabinet of the President was Formed a Council Representing the Crimean Tatars], *ARRAID*, N. 5 (6), 1999.

<sup>125</sup> Gul’nara Kurtaliyeva, “Protседura polucheniya grazhdanstva uproschena” [Procedure of Receiving Citizenship is Simplified], *Krymskaya Gazeta*, N. 161 (15775), 3 September 1999, p. 1; “Pryynyaly Gromodyanstvo” [Received Citizenship], *Krymskaya Gazeta*, N. 7374 (471-472), 17 September 1999, p. 2.

<sup>126</sup> “Pomoch Deportirovannym” [Help to the Deported], *Ogni Mayaka*, N. 72 (8419), 3 September 1999, p. 1.



consideration people who had returned in the last two years, still had no Ukrainian citizenship.

Another significant problem that found no final solution was the issue of land privatisation in the Crimea. According to the law of the president of Ukraine, land could be acquired in private ownership only by the people - members of the “collective agrarian enterprises” (CAE).<sup>127</sup> Contemplating on the fact that the mass return of the Crimean Tatars had began only at the end of 1980s, it was hard to anticipate large numbers of these people were involved in the collective agrarian production of the peninsula. Therefore, the Ukrainian president issued a supplementary document N. 165/99, dated 28 July 1999, “On Additional Measures Aimed at Satisfying Demands of Citizens for Land,” providing supplementary rules for the procedure of the land distribution to the deported peoples and workers of the social sphere.<sup>128</sup> However, the work aimed at the implementation of the decisions taken by the central and republican authorities was carried out very slowly and often the rules established by the law were ignored by the local officials. Thus, the property share, determined by the time of work experience and salary, had been divided unevenly. Most of those Crimean Tatars, who had even been members of the collective enterprises, had short work experience and low salaries, therefore they obtained certificates, supposedly made for land purchase, worth only small sums of money; even though, the resolution of the Crimean Cabinet of Ministers N. 182, dated 29 May 1999, stipulated that the Crimean Tatars, residing in the country side, must get certificates making them capable for acquiring land area equal to the average of

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<sup>127</sup> Nataliya Panasenko, “Real’no li perepaevanie?” [Is the Land Re-distribution Possible?], *Kirovets*, N. (6938), 11 March 2000, p. 1.

<sup>128</sup> R. Yagyayev, “Uchest’ zaprosy deportirovannykh” [To Satisfy the Demands of the Deported], *Avangard*, N. 14 (8066), 8 April 2000, p. 2.

middle share of the CAE members.<sup>129</sup> Being faced with the dilemma of leaving with no land on their homeland, the Crimean Tatars started to organise protests against the land reform, demanding redistribution.<sup>130</sup> The tensions were exacerbated by the fact that in the Simferopol, Belogorsk, Bahçesaray, and Sudak *rayon* [regions], the places mostly inhabited by the Crimean Tatars there was a scarcity of land reserves, from which the deportees and the workers of social sphere were supposed to obtain their shares.<sup>131</sup> Although, it was very often stressed that the implementation of the land distribution programme had to be carried out fairly; and, despite the numerous protests from the side of the Crimean Tatars, both the authorities of the autonomous republic and the central officials came to the common opinion that the land redistribution could not be carried out.<sup>132</sup> The only proposition, though it was absurd, to solve the land issue for the deportees was made by the Crimea's Vice-Premier, Sergey Velizhanskiy - the Crimean Tatars were to create their own collective agrarian enterprises and obtain land following the legal rules.<sup>133</sup>

As it was predicted, the adoption of the Crimean Constitution had generated a crisis within the Crimean government, too. The enormous powers gained by the parliamentary speaker Grach, particularly the control over the appointment of the officials led to the rise of confrontation between the legislative and executive

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<sup>129</sup> *Ibid.*

<sup>130</sup> Aleksey Nezhivoy, "Medjlis настаивает на переправлении земли" [The Meclis Insists on Land Redistribution], *Krymskoye Vremya*, N. 52 (919), 22 March 2000, p. 2.

<sup>131</sup> "Krymskie tatarsy trebuyut uchastiya v paevanii zemli" [The Crimean Tatars Demand Their Participation in Land Distribution], *Krymskiye Izvestiya*, N. 58 (2062), 29 March 2000, p. 8.

<sup>132</sup> "O sovminovskom soveshchani i probleme raspaivaniya" [About the Meeting of the Cabinet and Problem of Land Distribution], *Yuzhnaya Stolitza*, N. 13 (430), 31 March 2000, p. 2; "Kuchma obespokoen situatsiey s paevaniem zemli" [Kuchma is Worried with the Situation Regarding Land Distribution], *Krymskiye Izvestiya*, N. 60 (2064), 31 March 2000, p. 1; *ITAR-TASS*, "Kuchma Rejects Crimean Tatars' Demand to Re-distribute Land," 10 November 2000.

<sup>133</sup> Kira Ivanova, "Vopros o perepaivani mozhet byt' reshen tol'ko v VR Ukrainy" [Land Redistribution Issue Could be Solved Only in VR of Ukraine], *Krymskoye Vremya*, N. 62 (929), 5 April 2000, p. 3.

branches of the Crimean government. The latter, headed by Kunitsyn, managed for the first time in the history of the ARC to achieve some economic progress. Grach, assuming that after Kuchma's victory on the presidential elections of 1999, Kunitsyn together with the pro-presidential faction in the Ukrainian parliament would try to replace him, decided to strike first and said that Kunitsyn should be sacked, blaming them in preparing a *coup d'état* in the Crimea.<sup>134</sup> The culmination of the crisis came in the mid-December, when Kunitsyn appeared to have gained an upper hand, by persuading the majority of the Crimean deputies (53 members from the *Respublika* and *Zlahoda* factions<sup>135</sup>) to vote for the dismissal of the chairman of the parliament and the presidium, consisting of Grach's stalwarts.<sup>136</sup> Such a vote could not be implemented as the chairman Grach had the right to block the actions of the opposition, so the power struggle, so typical for the ARC, continued in an even more acute form than before.<sup>137</sup> Both sides were trying to get support of their respective lobbies in Ukraine and prepared appeals to the president, who, for his part, avoided taking decisive measures in order to demonstrate his impartiality.<sup>138</sup>

However, a more intense involvement of the Ukrainian president could not be avoided when a similar crisis within the Crimean government occurred in 2000 and dominated the peninsula's politics for more than eight months. Then, the seven Communists, including two deputy prime ministers, three ministers and two heads of the governmental departments submitted their resignations, allegedly for reason of propriety: "they could no longer stay in the government whose work the Crimean

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<sup>134</sup> *BBC Monitoring Service*, 17 November 1999, as distributed by *Reuters*; *FBIS-SOV-1999-1216*, 16 December 1999.

<sup>135</sup> "*Zlahoda*" (Ukrainian) means "*soglasie*" in Russian and "concord" in English.

<sup>136</sup> *Infobank*, 17 December 1999.

<sup>137</sup> *FBIS-SOV-2000-0124*, 24 January 2000.

parliament had found unsatisfactory.”<sup>139</sup> But, the following day, on 22 September 2000, neither the prime minister nor the Crimean minister of the Council of Ministers received any document showing any intentions of resigning and, on 2 October 2000, all these deputies appeared at the traditional weekly meeting, having no clear answer as to whether they should be considered resigned. Kunitsyn, for his part, said that he could not “work when a set of ministers was able to betray him at any moment” and announced the signing of a request to the Crimean parliament on the sacking of these ministers.<sup>140</sup> The resignation was objected by Kuchma, who alleged that there was no necessity to do this as the government had achieved some success and suggested that the reason behind such a step could only be a “political” one, i.e. it was merely Grach’s “game.” It was obvious that there could not be real political motives behind the resignation, as the coalition government was formed in agreement with all the parliamentary factions and there was no change in the structure of political players in the meantime. Therefore, it was only Grach’s personal reasons, which were in favour of such developments, because the government’s style of work did not correspond with his personal perceptions on how the Crimea were to be governed and the “criteria of his personal interests.”<sup>141</sup>

At the same time, Grach’s many initiatives in the economic sphere only hindered the progress on the peninsula. “The high degree of economic independence gained by the ARC at the expense of disavowing any overt pretensions over political independence, resulted also in increasing disputes between the central and Crimean authorities over, for example, such issues such as the fate of all taxes collected on the territory of

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<sup>138</sup> Belitser, p. 11; Aleksey Nezhivoy, “Premiier ostalsya poyezdkoy dovolen” [Prime Minister is Satisfied with His Visit], *Krymskoye Vremya*, N. 6 (873), 14 January 2000, p. 3.

<sup>139</sup> *Zerkalo Nedeli*, 23 September 2000, as distributed by *Reuters*, 25 September 2000.

<sup>140</sup> Mykyta Kasyanenko, “Crimean Speaker behind Recent Tensions,” *Den*, 4 October 2000.

Crimea, and of the value-added tax [VAD] in particular.”<sup>142</sup> In the case of VAT, the Constitution of Crimea stipulated that the autonomous republic had to retain all the taxes collected on its territory. But, at the same time, there was a Ukrainian law, saying that the Value-Added Tax was to be paid to the state treasury.<sup>143</sup> Taking into consideration the fact that the VAT could be a subject to reimbursement, Kunitsyn and his team were proposing that the collected money would go to the central budget and then return to the Crimean economy in the form of subsidies, but Grach and his followers were insisting on the tax money staying in the Crimean budget and were convincing the rest of deputy corpus that they would achieve that. Finally, it was another, though not final, defeat for Grach’s ideas, which were not put into effect. On 18 July 2001, the Crimean parliament on its Seventh Session voted in favour of dismissal of Kunitsyn from the post of the Prime Minister.<sup>144</sup> The rumours about government’s resignation were circulating in the building of the Crimean parliament since May of this year and took incentive following Kuchma’s critical speech, which was understood by the Prime Minister’s political opponents to be a momentum for “de-freezing” of the implementation of a decision, taken a year ago - on 24 May 2000, to oust Kunitsyn’s government (at that time, the Crimean parliamentarians could not receive confirmation from the Ukrainian president). Kuchma’s position on the issue was not clear. On 18 July, Grach said that Kuchma gave his consent to the decision of the ARC’s parliament, but there was no official documentation received or statement made by the president, whereas Kunitsyn announced that he had a telephone conversation with the head of Ukrainian state and that the latter was categorically opposed to the change of the government, saying it would have very negative effects

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<sup>141</sup> *Ibid.*

<sup>142</sup> Belitser, p. 11.

<sup>143</sup> *FBIS-SOV-1999-1203*, 02 December 1999.

on the yet catastrophic politico-economic situation on the peninsula.<sup>145</sup> Kunitsyn filed a petition to the Constitutional Court of Crimea to confirm the decision of the Central Regional Court of Simferopol verifying the illegality of the decision taken on 24 May 2000. He also promised to punish those deputies who was carrying out errands of Bezaziyev, whose candidature for the post of Prime Minister was proposed by Grach and who at that time was on holidays.<sup>146</sup> On 24 July 2001, it was announced that the next session of the Crimean parliament's meeting would nevertheless take place, which meant that the president agreed on the dismissal as the parliamentarians were to elect a new Cabinet's head. The confirmation was also found in Kuchma's letter, dated 20 July 2001, which also expressed the president's wish to see in this post Valeriy Gorbatov, people's deputy of Ukraine and in the past his first representative in the Crimea.<sup>147</sup> Kunitsyn, for his part, was proposed very prestigious posts in Ukrainian government and Foreign Service.

It was obvious that the crisis within the government was caused by the Kunitsyn/Grach "rivalry;" it was also certain that the central authorities knew about the abilities of the former and shortfalls and the aspirations of the latter. Thus, one question does arise: Why the central authorities in the face of Kuchma needed Grach as he is? The Ukrainian *Den'* gives their suggestions on this account. Firstly, clearly, Grach intends to participate in 2004 Ukrainian presidential election; thus, because of his weaknesses he could be needed by the centre to play a role of the last communist,

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<sup>144</sup> Nataliya Gavrileva, "Konets politicheskoy Dramy. Ili eye nachalo?" [The End of Political Drama or Its Beginning?], *Krymskoye Vremya*, No. 130, 19 July 2001, p. 3.

<sup>145</sup> *Ibid.*; Oleg Shakhnyuk, "Svidetel'stva daet sam prezident L. Kuchma" [President Kuchma Himself Gives Explanations], *Krymskaya Pravda*, No. 130 (22783), 20 July 2001.

<sup>146</sup> Kira Ivanova, "Dvoevlastiye prodolzhaetsya" [Diarchy Continues], *Krymskoye Vremya*, No. 132, 20 July 2001, p. 3.

<sup>147</sup> Nataliya Astakhova, "A teper' - Gorbatov?" [And Now Gorbatov?], *Krymskaya Pravda*, No. 132 (22785), 24 July 2001; Nataliya Gavrileva, "Vneocherednaya sessiya taki sostoitsya" [Extra Session Will Nevertheless Occur], *Kryskoye Vremya*, No. 133, 24 July 2001, p. 3.

who ever inspires to become a president of Ukraine. Secondly, “Grach is not right about many things and this situation makes him obedient and easy to direct.” Thirdly, Grach has important influence on the Crimean electorate, thus, he can be asked to instruct the mass how to act. Fourthly, although he is known to be a “doctor of political intrigue” and famous for his theoretical and practical knowledge, he is still too weak for the “hotshots” in Kyiv for them to take him seriously.<sup>148</sup>

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<sup>148</sup> Mykyta Kasyanenko, “Crimean Speaker behind Recent Tensions,” *Den*, 4 October 2000.

## **CHAPTER IV**

### **THE ISSUE OF THE CRIMEA IN RELATIONS BETWEEN RUSSIA AND UKRAINE, AND THE ROLE OF TURKEY**

#### **4.1. Russian-Ukrainian Relations in 1990-1991**

The year 1991 fundamentally changed the history of many republics, regional parts and nations that used to be part of the Soviet Union. The same was true for Ukraine, which after more than seventy years of Soviet rule became independent. The decisive moment in the maintenance of Ukraine as an independent state was the referendum held in Ukraine on 1 December 1991, according to the final results of which, 90,3% of people voted in favour of Ukraine's declaration of independence. This was one of the major causes that led to the irretrievable disintegration of the USSR and, accordingly, to the end of the cold war. In that sense, the relationship between the two major successors of the Soviet empire, Russia and Ukraine, acquired great importance.

Despite the fact that particular attention to this relationship had been paid only in the aftermath of Ukraine's declaration of independence, as Russian-Ukrainian relations started to deteriorated steadily, for the leaders of two republics this relationship had been assuming increasing importance even before the final collapse of the Soviet Union. At the end of 1990, for instance, the Ukrainian SSR and RSFSR signed a bilateral treaty, one of the provisions of which guaranteed the inviolability of each



other's borders. This kind of provision meant that at that time no one could think that there was a possibility of the dissolution of the USSR. However, after the coup of August 1991, which became an incentive in Ukraine's path to independence and which dealt a serious blow to the union's centre, the leadership of the RSFSR began to assume the role of centre itself and this could only lead to the worsening of the relationship between Russia and Ukraine. Thus, already two days after Ukraine's declaration of independence, Yeltsin's press secretary issued a statement saying that Russia had the right to review its borders with other republics, except the three Baltic states.<sup>1</sup> This caused much negative reaction in Kyiv. Relations were strained more when political circles in Moscow started to threaten Ukraine with border claims if it were to secede from the Soviet Union and many called the Ukrainian proclamation of independence "illegal."

However, the situation calmed down after delegations of RSFSR and USSR at the end of August came to Kyiv to resolve the so-called "emergency situation." The result of this visit was the signing of a joint communique pledging cooperation to prevent "the uncontrolled disintegration of the Union state" through the creation of "interim interstate structures" for the period of transition, which was not identified. Another result of these talks was the reaffirmation of the articles on the territorial integrity of the two states and the rights of national minorities, both previously mentioned in the provisions of the Russian-Ukrainian treaty of November 1990.<sup>2</sup> Even though the Russian minority in Ukraine was not specifically mentioned, it is apparently a key element in territorial disputes between Russia and Ukraine as the 11.3 million-strong

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<sup>1</sup> Roman Solchanyk, "Ukraine: From Sovereignty to Independence," *RFL/RL Research Report*, 3 January 1992, p.37.

<sup>2</sup> *Ibid.*

Russian minority in Ukraine accounts for about 22% of the whole population of the country.

In the fall of 1991, the first confrontation between Russia and Ukraine had surfaced over the question of the disposition of the nuclear weapons on the territory of Ukraine and as to who had the right to control them. What followed was a claim from the Russian mass media about the possibility of the nuclear conflict between the two states and arguments put forward by Russian leaders, such as Gennadiy Burbulis and Ruslan Khasbulatov, that the RSFSR was the only rightful heir to the former Soviet Union.<sup>3</sup> As the possibility of such a conflict was denied by all sides, there was an impetus to put everything in its normal way, however, the Ukrainian referendum on independence on 1<sup>st</sup> of December and its outcome rendered the further deterioration of the relationship between Russia and Ukraine. First of all, many Russian politicians, including Gorbachev, started to argue that the Ukrainian referendum could not be interpreted as an attempt to secede from the USSR, and others, like Anatoliy Sobchak, the mayor of St.Petersburg, began to mention the “horrors,” such as, for instance, “forced Ukrainianisation” of the Russian minority which might result in a territorial conflict and nuclear clash that might follow the Ukrainian independence. In the context of the dispute over the control over the military forces, Sobchak interpreted the realisation of the decision of Ukraine’s government to create its own army as “a huge threat to mankind as a whole.” It is interesting why he perceived the creation of armed forces by Ukraine to be a calamity for mankind if it [Ukrainian army] had to be opposed to a Russian-dominated commonwealth army.<sup>4</sup> Thus, as was already remarked by many observers, it is obvious that the real problem of Russian politicians

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<sup>3</sup> *Ibid.*

<sup>4</sup> Roman Solchanyk, “Ukraine,” *RFE/RL Research Report*, Vol.1:7, 14 February 1992, p.4

was the fact that Russia “has never faced the reality of an independent Ukraine in general and specifically of a non-Russian Crimea, which, someone once said, is to Russia what Texas is to the United States.”<sup>5</sup> So, the two sides were deadlocked on the question of the status of the Crimea as a part of Ukraine, the issue, which was linked to the no less controversial problem of the Black Sea Fleet (thereafter denoted as BSF).

#### **4.2. The Beginning of the Confrontation over the Crimea**

The Crimean question first appeared on the Russian official agenda when Vladimir Lukin, head of the Committee on Foreign Affairs and External Economic Ties, in January of 1992 distributed the draft resolution “On the Decisions of the Presidium of the USSR Supreme Soviet of 19 February 1954 and of 26 April 1954 Concerning the Removal of Crimea from the USSR” to members of Russian Supreme Soviet, asking them to invalidate this decision and to declare it as possessing no legal force. It was proposed not to consider the resolution presented by Lukin in order not to aggravate the already deteriorated relations with Ukraine.<sup>6</sup> However, on 23<sup>rd</sup> January, the same issue was once again placed on the agenda as a group of nationalist deputies, representing the *Fatherland and Russia* parliamentary faction, led by Sergey Baburin, had asked the Supreme Soviet to put for consideration the resolution issued by Lukin’s committee.<sup>7</sup> The same group also prepared an appeal addressed to the Ukrainian parliament, urging it to recognise that the BSF was an indivisible part of the Strategic Armed Forces of the CIS and calling on it to conduct the constructive

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<sup>5</sup> Leopard Unger, cited in Shabad Steven's “Black Sea Lysistratas,” *World Press Review*, November 97, Vol.44, Issue 11, p.22

<sup>6</sup> Roman Solchanyk, “The Crimean Imbroglia: Kiev and Moscow,” *RFE/RL Research Report*, Vol.1, No. 40, 9 October 1992, p. 7.

negotiations on the issues related to the BSF. Russian Supreme Soviet adopted the resolution, voting overwhelmingly in favour (166 to 13, with 8 abstentions) and approved the appeal of the Baburin group. At the same time, it had instructed two of its parliamentary committees, on *Foreign Affairs and External Economic Ties* and on *Legislation*, to study the constitutionality of the Khrushchev's decision of 1954 to transfer the Crimea from the jurisdiction of the RSFSR to Ukrainian SSR and to inform the Supreme Soviet about their findings. It was also suggested that the Presidium of Russian Supreme Soviet should propose to its Ukrainian counterpart to examine the issue as well, on which the Ukrainian Supreme Soviet produced a statement on 6<sup>th</sup> February 1992, saying that there could be no question of reviewing the status of the Crimea as this would contradict the treaties signed between the two states in 1990-91 and Article 5 of the Minsk agreement creating the CIS, the provisions of which guarantee territorial integrity of the parties.<sup>8</sup>

The fact that consideration of the issue on the status of the Crimea on the official agenda of the Russian parliament was very much motivated by the question of the BSF became obvious after the press published the letter from Lukin to Khasbulatov. Clearly stating the connection between the two matters, Lukin proposed to use the issue of Crimea as a bargaining chip in the dispute over the fleet, emphasising the fact that after the 1954 decision of transfer of the Crimea to Ukraine was declared invalid the Ukrainian leadership would have to decide: either the Crimea or the BSF. At the same time, it was pointed out that this kind of approach would provide the Russian government with the time needed for the implementation of the unpopular economic reforms and would strengthen the position of the present leadership with regards to

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<sup>7</sup> *BBC Monitoring Service*, 25 January 1992, as distributed by *Reuters*.

<sup>8</sup> Roman Solchanyk, "The Crimean Imbroglio...", p. 7.

the extreme nationalist wing.<sup>9</sup> Lukin, viewing the 11<sup>th</sup> January negotiations between Russia and Ukraine on military and political issues rather pessimistically, also suggested that all the military forces of the former Soviet Union be placed under the jurisdiction of Russia and that, in order to neutralise the predictable reaction of Ukraine, Kyiv could be threatened with the transfer of the orders for the production of the military from the plants of Ukraine to Russia or other CIS-states, so this would be a serious blow to the economy and political stability of Ukraine.<sup>10</sup>

In the beginning of April 1992, at the time when Ukrainian and Crimean leaders were engaged in constructive negotiations on a power-sharing agreement, Yeltsin dispatched Rutskoy to the Crimea and the Dniester Republic of Moldova. The delegation also included a presidential adviser and General, Boris Gromov. The remarks Rutskoy made in his speech in Sevastopol were indicating Russia's great ambitions to see the Crimea as a part of Russia and to the possession of the entire fleet. This was accompanied by Yeltsin's warning that any attempt from the Ukrainian side to change unilaterally the status of the BSF would result in transfer of the whole fleet under the jurisdiction of the Strategic Armed Forces of the CIS.<sup>11</sup> As a response to Rutskoy's visit and Yeltsin's statement, Ukrainian minister of defence, Konstantyn Morozov, in his speech on 8<sup>th</sup> April 1992, during the session of the *Verkhovna Rada* of Ukraine, explained the status of the formation of the Ukrainians armed forces and characterised the behaviour of Russian vice-president during his visit to Sevastopol as "direct involvement in Ukraine's internal affairs." *Rada* filed a petition to the UN Security Council protesting against Russia's activities in the

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<sup>9</sup> Roman Solchanyk, "Ukrainian Russian Confrontation over the Crimea," *RFE/RL Research Report*, 21 February 1992, p. 27.

<sup>10</sup> *Ibid.*

<sup>11</sup> Roman Solchanyk, "The Crimean Imbroglio...", p. 8.

Crimea. The reaction of the political circles of Ukraine was very acute. Thus, for instance, the declaration issued by the Ukrainian Republican Party on 10 April 1992 described Ruskoy's visit as a "provocative journey by a high-level official from a neighbouring country which was used to ignite an international feud."<sup>12</sup>

Yeltsin all this time, actually, had a hard time facing the dilemma of whether to support national patriots with their claims over the Crimea, and so be ready for the negative reaction from the international community or to support the territorial integrity of Ukraine and be prepared for the strengthening of the opposition from domestic elites and public. Yeltsin was faced with this kind of confrontation at the Sixth Congress of Russian People's Deputies in April of 1992, when conservative forces made an effort to place the problem of Crimea on the official agenda. At this congress Russian minister of foreign affairs, Andrey Kozyrev, put forward an argument suggesting that the current borders of Ukraine should not be a subject for reviewing only if it would remain a member of the CIS.<sup>13</sup> Even though the attempt to consider the issue of the Crimea's status was unsuccessful, the Russian *Duma*, while having a closed session a month later, passed a resolution on 21 May 1992 "On the Legal Appraisal of the Decisions of the Highest Organs of the State Leadership of the RSFSR Regarding Crimea's Change in Status Accepted in 1954," which, despite previously made statements about respect for the territorial integrity of Ukraine, meant that Russia did not recognise the existing situation.<sup>14</sup> The Russian conservative anxiety to acquire a control over the Crimea was expressed in the conversation of Sergey Baburin with the Ukrainian ambassador to Russia, Volodymyr Kryzhansky,

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<sup>12</sup> *Biuleten' Ukrayins'ki Novyny*, No. 16, 1992, cited in Pikhovshek, p. 54.

<sup>13</sup> Roman Solchanyk, "Crimea: between Ukraine and Russia," in Maria Drohobycky's (ed), *Crimea: Dynamics, Challenges, and Prospects*, Rowman & Littlefield Publishers, 1995, p. 8.

during which he said, “if we do not get back Crimea from you, then there will be a war between Russia and Ukraine.”<sup>15</sup>

On 23 May 1992, Foreign Ministry of Ukraine sent a diplomatic note to its counterpart in Russia, stating that “the question of the status of Crimea is an internal matter of Ukraine and cannot be subject to negotiations with any other country,” emphasising the fact that Ukraine with its current borders is recognised by all the countries of the world, including Russia.<sup>16</sup> The statement also warned Russia that further pursuit of the matter could lead to “dangerous and unforeseen consequences.”<sup>17</sup> Ukraine’s permanent representative in UN, Viktor Batiouk, gave a copy on 29 May 1992 to the UN secretary-general Boutros Boutros-Ghali.<sup>18</sup>

The Crimean question was once again on the agenda at the Seventh Congress of People’s Deputies, in December of 1992, when the commission, headed by Deputy Yevgeniy Pudovkin, was created in order to examine the Sevastopol problem. The decision was based on the argument that as, in accordance with the decree of the RSFSR of 1945, the city of Sevastopol was given Russian administrative status, it could not be subject to the resolution of 1954 on transfer of the Crimea under Ukrainian jurisdiction.<sup>19</sup> In respond to these developments, the chairman of the Ukrainian *Verkhovna Rada*, Ivan Pliushch, wrote a letter to Ruslan Khasbulatov, saying the following: “Regrettably, a significant number of influential politicians of the Russian Federation are again trying to carry out a decision that would reanimate

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<sup>14</sup> John Kampfner, “Parliament to Fight 1954 Handover of the Crimea to Ukraine,” *Daily Telegraph*, 22 May 1992, p. 10.

<sup>15</sup> *Reuters*, 23 May 1992.

<sup>16</sup> *Reuters*, 26 May 1992.

<sup>17</sup> *Ibid.*

<sup>18</sup> Pikhovshek, p. 55.

the old empire and the politics of the old empire...We cannot evaluate the provocation relating to the Sevastopol 'problem' other than a relapse.”<sup>20</sup>

At the beginning of 1993, Russian ambassador to Ukraine, Leonid Smoliakov, visited the peninsula and, emphasising that there were no persecution of the Russian-speaking population in the Crimea, stated that Russia “respects the sovereignty of Ukraine and under no circumstances will it try to influence its internal affairs.”<sup>21</sup> However, such positive steps had always been outweighed by negative ones. Thus, on 21 April 1993, the Deputy chairman of the Russian Supreme Soviet Valentin Agafonov sent on behalf of the Russian parliament a letter to the Crimean Supreme Soviet, expressing the support of the latter for reviewing of “matters regarding the drafting of a trade and economic agreement with Russia, the Crimea’s participation in the activity of the CIS, and the implementation of the Crimean citizens’ right to dual citizenship,” as well as for the conviction that “no political designs or nationalistic fits can break the historical ties sealed in blood between the peoples of Russia and the Crimea.” The appeal also proposed that “Russia would supervise the referendum on the Crimean independence.”<sup>22</sup> During the same day, there were a series of telephone conversations between the Russian and Ukrainian presidents. The day was concluded with Agafonov’s telegram, withdrawing the letter that bore his signature.

With the deepening of the conflict between the Russian *Duma* and the Russian president, the situation in and around the Crimea sharpened. This being the case, the Russian parliament that was in the forefront of the campaign to reassert the control of

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<sup>19</sup> Roman Solchanyk, “Crimea: between Ukraine and Russia,” pp. 9-10.

<sup>20</sup> *Pravda Ukrayiny*, 23 January 1992, cited in Pikhovshek, p. 55.

<sup>21</sup> *Sil'ski Visti*, 27 January 1992, cited in *ibid.*

<sup>22</sup> *SWB*, 28 April 1993.



Russia over the peninsula was disbanded by Yeltsin and “its fate was sealed by Russian tanks” in October 1993.<sup>23</sup> This, however, did not solve the problem of the Crimea as a major issue of Russian-Ukrainian relations, because public opinion in Russia and its political elite would hardly accept the fact that Sevastopol and the Crimea were now a foreign country, as the Crimea had always occupied a very special place in Russian history. Commonly referred as the “land of Russian glory,” it is considered to be an inseparable part of ‘motherland’ Russia and this belief has been strengthened by the fact that during the Soviet era, up until 1954, the peninsula was Russian proper. Then as part and parcel of the arbitrary and divisive boundary-demarcation practices that distinguished Soviet nationalities policy, the Crimea was allotted as a supposed ‘gift’ to the ‘wrong’ state – Ukraine. This has inevitably (and intentionally) embittered Russian chauvinists who consider the Crimea as purely Russian territory.<sup>24</sup>

At the same time, the Crimea’s Russian majority, which constituted over 60% of the population plus the completely Russified Ukrainian population were definitely no less a destabilising factor in the Russian-Ukrainian relations. Continuous riots and demonstrations, calling for the ‘return’ of the Crimea to Russia were an important driving force behind the events surrounding the peninsula. Thus, a rally held in Sevastopol on 12 June 1993 and devoted to the city’s 210<sup>th</sup> anniversary called for inclusion of Sevastopol in the union of Russian Cities, in order to confirm that it belonged to Russia, for the recalling deputies of the Sevastopol City Council from the Crimean parliament, and for the launching of a strike throughout the peninsula. It also issued a resolution demanding lifting of the moratorium on holding the referendum on

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<sup>23</sup> Roman Solchanyk, “Crimea: between Ukraine and Russia,” p. 10.

<sup>24</sup> Hakan Kırımlı, “Turkey – Ukraine - Moldova,” *Research Report*, Ankara, 1997, p. 9.

the Crimea's independence and that the Russian and Ukrainian parliaments give Sevastopol the status of the main base of the unified BSF.<sup>25</sup>

The Russian *Duma* did not make the inhabitants of Sevastopol wait long and on 9 July of the same year adopted the resolution (166 against 0), confirming the Russian federal status of the city.<sup>26</sup> While Yeltsin said that he was “ashamed” of this decision and Kravchuk argued that the decision was against all international norms and had no legal power, the Congress of Russian Communities of the Crimea had come with another appeal to the Supreme Soviet and government of Russia, demanding “to solve without delay the questing confirming the Russian status of Sevastopol and of restoration of direct political, economic, and cultural links with Russia.”<sup>27</sup>

Ukraine, on its side, tried to take diplomatic steps in order to resolve the issue. Ukraine's permanent representative at the UN Organisation Viktor Batyuk, on his meeting with the UN Security Council Chairman David Hannay handed him a letter, dated 13 and 16 July 1993, from the Ukrainian Foreign Minister Anatoliy Zlenko, which expressed deep uneasiness over the resolution on Sevastopol and requested to convene a session of the Security Council to consider the situation that developed as a result of a decision adopted by the Supreme Soviet of the RF.<sup>28</sup> The Security Council, to this effect, issued a statement, condemning the Russian Parliament's resolution as “incompatible” with the Russian-Ukrainian treaty of 19 November 1990 and with the Charter of UN, thus, declaring it having no legal force.<sup>29</sup> On its side, the Russian Foreign Ministry, the only legitimate foreign policy maker, in an attempt to correct

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<sup>25</sup> *SWB*, 19 June 1992.

<sup>26</sup> *Türkiye*, 11 July 1993.

<sup>27</sup> *FBIS-SOV-93-136*, 19 July 1993.

the mistake made by the parliament, submitted to the UN on 20 July an “official document,” where the resolution on Sevastopol was described as “emotional” and “at variance with the stated position of the Russian government and president.”<sup>30</sup>

#### **4.3. The Impact of the Crimea’s Domestic Politics on the Russian-Ukrainian Relations**

The tensions reached their peak when the propagator of the Crimean independence and re-unification with Russia, Yuriy Meshkov was elected president of the Crimean Autonomous Republic. Being a leader of the most powerful Crimean Russian organisation, the Republican Movement of Crimea, it was not so hard for Meshkov by basing his pre-election campaign mainly on emotive sloganeering to drive back other candidates, even where their political programmes were not very different from his. However, usually aimed at irritating Kyiv, the policies of this first and last president of the Crimea led to nothing, except yet more chaos in Crimean politics and the economy. In the end of 1994, it was reported that the Crimeans were supporting more Kuchma (41.09% to 26.48%) than their popularly elected President Meshkov (26.19% to 54.48%), according to their policies and activities.<sup>31</sup> The Crimea’s attempt to regain its independence in 1994 by renewing its 1992 Constitution was effectively handled by Kyiv. In this connection, the Russian parliament adopted an appeal to its Ukrainian counterpart “politely cautioning against any forceful moves” in the struggle between Kyiv and the Crimea, praised Kyiv’s efforts to resolve the situation, and promised to

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<sup>28</sup> *FBIS-SOV-93-136*, 19 July 1993.

<sup>29</sup> *FBIS-SOV-93-138*, 21 July 1993.

<sup>30</sup> *SWB*, 21 July 1993.

<sup>31</sup> *SWB*, 7 December 1994.

promote the search for constructive compromises.<sup>32</sup> However, when the Ukrainian authorities in the end of 1994 took stern measures rescinding the Crimean laws that were in violation with the Ukrainian Constitution, the Russian law-makers on 23 November 1994 adopted a declaration saying that, although Russia recognised the reality that the Crimea belonged to Ukraine, it was concerned by Kyiv's actions and indicated that it could jeopardise the negotiations over the BSF and the ratification of the Russian-Ukrainian "big" treaty.<sup>33</sup> But ultimately Kyiv chose to ignore Moscow's warnings. At that time, the confrontation between the executive and legislative branches of the Crimean government contributed considerably to the crisis within the pro-Russian nationalist movement and the state of the Crimean domestic politics as a whole. So, the Ukrainian president, Kuchma, lost patience with wrangling, and acted decisively, carefully timing the crackdown to coincide with Russia's own difficulties in Chechnya; he abolished the presidency and curbed some important powers of the autonomy.

#### **4.4. Second Phase of the Confrontation**

Already mistrustful relations between Ukraine and Russia were further poisoned when the latter parliament's upper house on 5 December 1996 publicly laid claim to the port of Sevastopol, saying it was part of Russia and Ukraine had no legal right to govern it. "Unilateral actions by the Ukrainian side aimed at tearing away from Russia a part of its territory are not only illegal under international law, but also directly damage Russia's security." They "are preventing the establishment of good neighbourly and

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<sup>32</sup> Roman Solchanyk, "Crimea: between Ukraine and Russia," p. 11.

<sup>33</sup> *Ibid.*

profitable relations between two fraternal peoples and are lowering the authority of both countries in the international arena,” says the document adopted by the Federation Council.<sup>34</sup> It was decided also to set up a special commission to prepare a draft law on the status of Sevastopol. Both initiatives were undertaken as a result of the proposal put forward by Moscow’s mayor Yuriy Luzhkov, who was reiterating this kind of statements not for a first time. Simply, Luzhkov “appears to have fixed on Sevastopol as a cause likely to endear him to nationalists and the armed forces.”<sup>35</sup>

It must be added that the resolutions came at a sensitive moment, when the talks on Sevastopol and the BSF between Russia and Ukraine deadlocked and the NATO expansion plans were causing a lot of tension. Probably these were the reasons that pushed the Russian parliament to adopt the resolutions exactly at that time: nationalists, fearing that Ukraine would become a NATO member and that Russian-Ukrainian treaty would separate the Crimea [and Ukraine] from Russia forever were trying to play a Crimean card in order to get more concessions from the Ukrainian side.

The claims made by the Russian side caused considerable negative reaction and not only from the Ukrainian government and organisations, but also from the world community. Their backing for the Ukrainian sovereignty was immediately confirmed by the European Union and the OSCE.<sup>36</sup> For its part, the statement of the Ukrainian parliament, dated 6 December 1996, was saying that “Russia was making territorial claims on Ukraine infringing upon its sovereignty and was also assessing the actions

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<sup>34</sup> *Reuters*, 5 December 1996; *Jamestown Foundation*, 6 December 1996.

<sup>35</sup> *Economist Intelligence Unit*, 16 December 1996, as distributed by *Reuters*.

of the Russian parliament as “a flagrant violation of the founding norms of international law and as a threat to the signing of a large-scale treaty” between Russia and Ukraine.<sup>37</sup> However, the Russian Foreign Ministry spokesman Gennadiy Tarasov, speaking in reference to these resolutions has said that in accordance with the Russian Constitution, “Russia’s foreign policy is determined and implemented by the president and the government, whose stand on this question is known well. ... The Russian government’s official view is that Sevastopol and all [the] Crimea belong to Ukraine.”<sup>38</sup>

Interestingly enough, the reaction of the Crimean politicians was rather ambiguous. While orally most of the deputies of the Crimean parliament supported the resolutions, as did Tsekov and a head of the Russian Society, Terekhov, both of whom supported Russia’s claims over Sevastopol and alleged that the “Russian BSF is the only force that was able to cool down Tatar-Turkish and Ukrainian-Galician chauvinist ambitions in the Crimea,”<sup>39</sup> a fairly lengthy declaration, adopted by it, contained no evident sentence in support of one or another side, except the quite specific demand that the future of Sevastopol had to be settled in accordance with the expressed wishes of the inhabitants, which were well known.<sup>40</sup> Only the Crimean Tatar *Meclis* expressed its clear-cut stand on the issue, calling the resolutions to be “ill-considered political documents,” adversely affecting Russian-Ukrainian relations and destabilising the situation in the Crimea, and demanding the Ukrainian leadership

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<sup>36</sup> *BBC Monitoring Service*, 23 December 1996, as distributed by *Reuters*.

<sup>37</sup> *BBC Monitoring Service*, 14 December 1996, as distributed by *Reuters*.

<sup>38</sup> *BBC Monitoring Service*, 19 December 1996, as distributed by *Reuters*.

<sup>39</sup> “Krym tolkayut v voennyi conflict” [The Crimea is Being Pushed into Military Conflict], *Vseykrainskiye Vedomosti*, N. 1 (673), 4 January 1997.

<sup>40</sup> *Reuters*, 14 December 1996.

should take a decision without delay on the withdrawal of foreign troops from the state's territory and international organisations to apply sanctions against Russia.<sup>41</sup>

The Crimean issue none the less has remained an important factor in the Russo-Ukrainian bilateral relations. Provocative statements by some prominent Russian politicians and resolutions questioning the Ukrainian sovereignty over the Crimea and Sevastopol, which were passed by the Duma, created much unease in Kyiv. Although Yeltsin's government always formally repudiated such claims, it was not until 1997 that the final treaty on the division of the Black Sea Fleet and of the bilateral "Treaty on Friendship, Cooperation, and Partnership," guaranteeing the inviolability of the Ukrainian borders, were signed in Sochi, the problem of the Crimea put serious obstacles towards the normalisation of the relations between the two countries. However, the presence of the Russian military establishment (the BSF units) and of adventurous political forces on the peninsula, did not encourage qualified observers to suppose that that the issue had lost its inflammable potential for the future.

#### **4.5. The Treaty on Friendship and its Aftermath**

Even after the "big" treaty was signed, discussions in the Russian parliament concerning the Crimean issue continued. More exactly, now the agenda of the Russian *Duma's* sessions was occupied with the question of ratification of Russian-Ukrainian treaty. Because of the fact that this accord and the agreements on the BSF were met

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<sup>41</sup> *BBC Monitoring Service*, 28 October and 10 December 1996, as distributed by *Reuters*.

with furious reaction from the most of the Russian political circles, the task was seen to be very difficult.

In the beginning, the Russian *Duma* had blocked the ratification, which already had gone through by the Ukrainian parliament, until 25 December 1998. At that time, the vote passed as a result of a sudden reversal by the Communist Party members, who argued that the cause of helping Russians in the Crimea and “reintegrating” Russia and Ukraine would be more effectively pursued through friendly relations with the Ukrainian state.<sup>42</sup> The shift on the issue was most probably intended to help the Ukrainian Communists in the then upcoming presidential elections. But there was still an opposition mainly formed by Konstantin Zatulin, a head of the ultra-nationalist *Derzhava* [Great Power] movement and Yuriy Luzhkov, who from the very start condemned the signing of the agreement as “incorrect,” saying it was absurd that Russia should be renting Sevastopol from itself.<sup>43</sup>

Some called the complete ratification that was reached on 25 December 1999 (243 deputies voted in favour) to be a defeat for Russia’s foreign policy, and not only towards Ukraine but also towards the CIS countries. A head of the RF *Duma*’s Profile Committee, Tikhonov, for instance, said that the treaty was against Russia’s interests, as it guaranteed the inviolability of the Ukrainian borders and paved the way for Ukraine’s entrance into NATO.<sup>44</sup> The Russian executive branch of the government, on the other side, despite the fact that the treaty was opposed by the majority of the Russians, undertook an all-out effort to secure the ratification, saying Russia would

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<sup>42</sup> *Reuters*, 25 December 1996; *Jamestown Foundation*, 27 January 1999.

<sup>43</sup> *Financial Times*, 2 June 1996.

<sup>44</sup> “G. Tikhonov – protiv dogovora” [G. Tikhonov is Against the Treaty], *Krymskoye Vremya*, No. 6, 14 January 1999, p. 2.



serve its strategic interests best by co-operating with Ukraine.<sup>45</sup> It was partly true as a failure to ratify the agreement could trigger Ukraine to refuse to ratify the signed accords on basing of the Russian fleet on the territory of the Crimea. But, presupposing that Russia's attachment to the Crimea would not be rescinded in the near future, now room for manoeuvre is limited to unofficial statements and declarations, usually quite meaningless, like those of Luzhkov. If Russia remained committed to a more or less democratic course of development, its hands would be tied by the assurances that it gave Ukraine in the Moscow Trilateral Statement (January 1994), the CSCE Budapest Agreements (December 1994), and the bilateral Russian-Ukrainian "Treaty on Friendship, Cooperation, and Partnership" (May 1997) – to respect Ukraine's territorial integrity.<sup>46</sup>

#### **4.6. The Division of the Black Sea Fleet**

The confrontation over the ownership of the BSF was one of the major irritants in Russian-Ukrainian relations. In fact, more subtle and complex than it appears at first glance, it was definitely this dispute that gave momentum to the pro-Russian movement of chauvinist and separatist character on the Crimean peninsula, and was used as a pretext for putting into question the status of Crimea and Sevastopol.<sup>47</sup>

##### **4.6.1. The Formation of the Ukrainian Army**

After the failed putsch of August 1991, which had led to the demise of the Soviet Union, and the subsequent declaration of independence by Ukraine, the attention of many observers was directed to the decision of the Ukrainian state to establish its

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<sup>45</sup> *Jamestown Foundation*, 29 January 1999.

<sup>46</sup> Roman Solchanyk, "Crimea: between Ukraine and Russia," p. 11.

national army. In accordance with the resolutions of the *Verkhovna Rada* of Ukraine, initiated first on 24 August 1991 “On the Armed Forces” and “On the Defence of Ukraine,” all military units dislocated on its territory have been announced to fall under the jurisdiction and control of the Ukraine’s Supreme Soviet. A legitimate right to form their own armies on the basis of the conventional forces that were formerly part of the armed forces of the USSR the newly independent states acquired as a result of the agreement reached by the heads of the member states of then just founded CIS on the meeting in Minsk on 30 December 1991, Article 2 of which – “On Armed Forces and Defence Units”- provided no obstacle for Ukraine to put into practice the decision of its legislative body.

The intentions of the Ukrainian government to have its own navy did not alarm Russians. The commander of the Black Sea Fleet, Admiral Igor Kasatonov, in early November 1991, noted that “the leadership (of Ukraine) was conducting itself very tactfully in respect of our fleet, and that Ukraine was not laying claim to the whole command but wanted “some kind of fleet, albeit a small one.”<sup>48</sup> Before the formal dissolution of the Soviet Union, it was actually the attitude of Ukrainian officials that could not be used by the other side as a pretext for the establishment of a hardline policy on the issue as, for instance, the statement of the Presidium of the *Verkhovna Rada* in late November of 1991, which noted that the creation of the Ukrainian military forces would proceed on “a legal base, stage by stage, by means of joint definition of military policy...and holding consultations with other sovereign states and the USSR Ministry of Defence to work out and implement a mechanism to reform

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<sup>47</sup> Nikolay Savchenko, *Anatomiya Neobiyavlennoy Voyny* [Anatomy of Undeclared War], Ukrainskaya Perspektiva, Kyiv, 1997, p. 14.

<sup>48</sup> *Radio Mayak*, 6 November 1991; *ITAR-TASS*, 16 November 1991, cited in Douglas L. Clarke, “The Battle for the Black Sea Fleet,” *RFE/RL Research Report*, 21 January 1992, p.53.

the all-Union armed forces.”<sup>49</sup> It must be added that the Western leaders were not worried about Ukrainian naval ambitions either, as they were more concerned with Kravchuk’s view about the nuclear weapons located on Ukrainian territory, and this matter monopolised the West’s policy towards Ukraine in the next two years after Ukrainian independence.<sup>50</sup>

The attitude of both sides, however, had changed with Kravchuk’s election to presidency. On 12 December 1992, Kravchuk issued a decree, which brought him to the post of commander-in-chief of all armed forces of all armed forces deployed on Ukrainian territory, a subsequent step of the implementation by *Verkhovna Rada* on 3 January 1992 of the law on armed forces and defence.<sup>51</sup> The supplementary decision of this decree announced Kyiv’s intentions to create its army on the basis of the troops of the Kyiv, Odessa, and Carpathian military districts and the forces of the BSF, except the units that compose the Strategic Deterrence Troops, and implement this program within six weeks.<sup>52</sup> This decision immediately caused sharp reaction in Moscow and CIS Defence Minister Marshal Yevgeniy Shaposhnikov sent General Boris Pyankov to Kyiv in order to explain to the Ukrainians what it was meant under “strategic forces” in the CIS agreement of December 1991. However, it seemed that Ukraine was determined in its claim over the whole of the BSF, because the official statements by many Ukrainian high rank politicians repeatedly emphasised the urgent necessity for Ukraine to have the BSF as a part of its armed forces.<sup>53</sup>

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<sup>49</sup> *Radio Kyiv*, 26 November 1991, cited in *ibid*.

<sup>50</sup> Taras Kuzio, *Ukrainian Security Policy*, Praeger, Westport, Connecticut, London, 1995, p. 58.

<sup>51</sup> Kathleen Mihalisko, “Ukraine Asserts Control Over Nonstrategic Forces,” *RFE/RL Research Report*, 24 January 1992, pp. 50-51.

<sup>52</sup> Clarke, p.54.

<sup>53</sup> *Ibid*.

This marked the beginning of a more than five-year squabble between Ukraine and Russia over the ownership of the BSF, and this question in their bilateral relationship was the one where materialisation of the conflict potential was not difficult to see.<sup>54</sup> The unresolvedness of the problem could again be explained not exactly by the military-strategic meaning of the BSF for each of the states, but by analysis of the political courses and objectives of Ukraine and Russia, the former of which was trying to guarantee sovereignty and inviolability of its borders and the latter – to revive an empire that would include at least 12 republics, which would be a strong fundament for the CIS.<sup>55</sup> Thus, Ukraine's unwillingness to stay within the CIS security structures and be subordinated to the Joint Command, and Moscow's unpreparedness for such a development of events, drew a negative reaction from the Russian side.<sup>56</sup>

Although the 1992-1997 period in the military-political field of bilateral relations between Ukraine and Russia did not record much positive progress, especially with regard to the question of the BSF, and was usually characterised by stop-and-go diplomatic negotiations, the solution to important problems came for many relatively suddenly. Only a few senior Ukrainian officials had a hope that in May 1997 there would also be agreement on the separate package of Fleet accords, when others believed that the Russian President Boris Yeltsin would only sign the inter-state treaty. So, despite the predictions of the majority of specialists, in May 1997, the Russian Prime Minister Chernomyrdin and his Ukrainian counterpart Lazarenko signed three inter-governmental agreements on the BSF, the greatest surprise of which was Moscow's acceptance of provisions similar to, or even less favourable than, those

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<sup>54</sup> Arkadi Moshes, "Conflict and Co-operation in Russo-Ukrainian Relations," in Bruno Coppieters and Alexei Zverev (eds), *Commonwealth and Independence in Post-Soviet Eurasia*, London and Portland, Frank Cass, 1998, p. 132.

<sup>55</sup> Savchenko, p.14.

which it had rejected in October 1996.<sup>57</sup> Thus, the May 1997 agreements redefined the relationship between the two states, producing a stimulus for greater co-operation and marking an attempt to persuade Ukraine that its future lies in closer integration with Russia. However, from Kyiv's perspective, these agreements represented a vindication of Kuchma's policy, aiming at strengthening of ties with the West, which have been elaborated through the years. This 'vector' of foreign policy was now interpreted as "diplomatic manoeuvring" by the Ukrainian president "merely designed to achieve reintegration with Russia on the best possible terms," whereas the Fleet accords were said to be "a cynical manoeuvre by a desperate president, determined to distract attention from his economic failures as the 1998-99 elections approach."<sup>58</sup>

In order to understand the meaning of the May 1997 agreements and the impact they and the question of the BSF itself have had on the political situation in the Crimea and on Russian-Ukrainian relations, one has to examine the developments related to the dispute, attempts to resolve the situation and the reasons of their failures.

#### **4.6.2. The Evolution of the Dispute**

On 3 January 1992, Ukraine started building its national armed forces. All the military personnel located on the Ukrainian territory, including the sailors and the command of the BSF, were expected to take an oath of allegiance to Ukraine before the end of January. Thus, on 4 January, Ukrainian Defence Minister, Konstantin Morozov,

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<sup>56</sup> Moshes, p. 132.

<sup>57</sup> James Sherr, "Russia-Ukraine Rapprochement? The Black Sea Fleet Accords," *Survival* 39:3, Autumn 1997, p. 33.

<sup>58</sup> *Ibid*, p.34.

announced that the BSF “should belong to Ukraine.”<sup>59</sup> Yeltsin’s response a few days later was that the BSF was and would remain Russian.<sup>60</sup> General Shaposhnikov expressed an even sharper critique, saying that Kyiv’s moves to assert the control over the BSF were hastily and ill-considered and in violation of the accords agreed upon in Minsk on 30 December 1991.<sup>61</sup> The main argument put forward by Russia to denounce Ukraine’s claim was a formula, agreed in the Minsk Agreement on the means of division of the military assets of the Soviet Union, in accordance with which the term “strategic forces” was defined as

group formations; units; institutions; the military training institutes for the strategic missile troops; air force; navy; air defences; the directorates of the navy command, of the airborne troops and of strategic and operational intelligence; ...the nuclear technical units; and the forces, equipment and other military facilities designed for the control and maintenance of the strategic forces of the former USSR.<sup>62</sup>

This definition put all the forces of the USSR under the strategic umbrella (80% of the BSF, according to this definition, would fall under the jurisdiction of the CIS Joint Command), leaving only the small portion of the ground forces to the disposition of the republics. This, of course, was not something that Ukraine was expecting to get as even if Ukraine had laid claim to the whole BSF it could still be contemplated as normal, because at the beginning of 1992, the BSF counted for 10% of the whole sea forces of the ex-USSR, while Ukraine’s portion of the external debt of the USSR was fixed at 16,35%, thus, giving it a right to ask for an additional 6% of the military assets that used to belong to the Soviet Union. At the same time, the contribution of the UkrSSR to the budget of the USSR during many years was about 25%.<sup>63</sup>

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<sup>59</sup> *Interfax*, 4 January 1992.

<sup>60</sup> *ITAR-TASS*, 9 January 1992.

<sup>61</sup> Stephen Foye, “CIS: Kiev and Moscow Clash over Armed Forces,” *RFL/RL Research Report*, 17 January 1992, p. 3.

<sup>62</sup> Article 1 of the “Agreement on Strategic Forces” cited in Douglas, p. 54.

<sup>63</sup> Savchenko, p. 13.

Unfortunately, the Ukrainian side did not put this question on the official agenda of the negotiations, though it certainly could be used as a bargaining chip.

Even at that time it was clear that a kind of compromise must be found. Speaking in strictly financial terms, it was not only Ukraine who would have a loss; in order to relocate its fleet and to build new facilities Russia would pay heavily, too. Unquestionably, the naval bases contribute considerably to the Ukrainian economy;<sup>64</sup> there are several possible means to assess the value of the ships and other equipment used in the fleet, “yet the value of the naval infrastructure ashore probably surpasses that of the vessels both in strategic and budgetary terms.”<sup>65</sup> However, neither of the sides wanted to make concessions, trying to get as much as possible, losing a minimum. Consequently, as Ukraine and Russia were getting more concerned with the assertion of influence over the BSF and little progress had been made at the first round of the negotiations, the issue started to develop into a dispute.

As was noted earlier, the problem of the ownership of the BSF was linked with the issue of Russian claims on the Crimea and Sevastopol. First resolutions concerning the 1954 decision to transfer the Crimea under the Ukrainian jurisdiction and the one calling for the unified BSF were passed by the Russian *Duma* on the same session. In other words, one of the issues was always accompanied by other, though the question of the status of the Crimea in particular was never on the official agenda of negotiations. And as the tensions related to the Crimean question were always aggravated by inflammatory statements of Russian officials, the same kind of speeches could be heard concerning the BSF. Thus, during Rutskoy’s famous visit to

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<sup>64</sup> Douglas, p. 57.

the peninsula in early April 1992, on the question about whether he knew anything about military equipment being transferred from the Crimea to Russia, Rutskoy answered: “Why should we transfer anything from Russia to Russia?”<sup>66</sup>

Rutskoy’s remarks regarding the BSF and the status of the Crimea coincided with a decree, issued by Yeltsin on 3 April 1992, warning Ukraine that any attempts to change the status of the BSF unilaterally would force Russia to put the entire fleet under its own jurisdiction; i.e. transfer it to the strategic forces of the CIS.<sup>67</sup> Despite these warnings, or even pushed by these statements [as the Ukrainian President in the following document emphasised, the decision was taken “pursuant to the interference of the leaders of the Russian Federation and the CIS Allied Armed Forces Command with Ukraine’s internal affairs”], Kravchuk issued a decree “On Immediate Measures for Building of the Armed Forces of Ukraine,” which, among other things, aimed at the establishment of the Ukrainian navy on the basis of the BSF, deployed on the territory of Ukraine.<sup>68</sup> The decree instructed the Ministry of Defence of Ukraine to “proceed with formation of the Ukrainian Navy Command upon agreement, with Supreme Commander of the CIS Allied Armed Forces, on an inventory of ships of the Black Sea Fleet units to be temporary transferred under operational control of the CIS Strategic Force Command.”<sup>69</sup> The clear implication of this decree was the intention of the Ukrainian side to lay claim over most of the fleet and to transfer only some units to the jurisdiction of the CIS. Yeltsin’s response was a decree, issued on 7 April 1992, calling for the fleet to be subordinated to the commander in chief of the CIS Joint

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<sup>65</sup> William H. Kincade and Natalie Melnychuk, “Unneighborly Neighbors,” *Foreign Policy*, No: 94, Spring 1994, Washington DC, p. 92.

<sup>66</sup> cited in Roman Solchanyk, “The Politics of State Building,” p. 6.

<sup>67</sup> *Ibid.*



Armed Forces. On April 9, after the issue was discussed on the telephone, the two presidents headed off a potential confrontation by agreeing to suspend their decrees and pursue further talks on the solution of the problem, but negotiating rounds that followed produced no significant progress.

This kind of outcome from the 29-30 April negotiations in Odessa could actually be anticipated, taking into consideration the developments that had taken place at that time in the domestic politics of the Crimea. In the late April it was decided that the next session of the Crimean Supreme Soviet would be dealing with the issue of the referendum on independence. If the decision to hold the poll was approved – which actually happened at 5 May session, when at the same time the Crimean parliament had declared the creation of a sovereign state, the Republic of Crimea – and if the result of the referendum were positive, then the Russian position with regard to the fleet could change radically. As a matter of fact, Russia had only to wait for the final results of the poll and then the problem of the BSF could be solved by itself as three fourth of it was located on the territory of the peninsula.<sup>70</sup> Although the Crimean lawmakers hedged by adding an amendment to the declaration confirming that the Crimea remained a part of Ukraine, it was indicated that the scheduled August referendum would proceed.<sup>71</sup>

It is worth-noting that simultaneously the *Verkhovna Rada* of Ukraine was taking measures that could strengthen the Ukrainian position concerning the fleet vis-à-vis

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<sup>68</sup> cited in *A Russia that We...Views of Russia's Political Forces on the Future of Ukraine and the CIS and Views of Ukraine's Political Forces about Russia*, Ukrainian Center for Independent Political Research, Kyiv, p. 82.

<sup>69</sup> *Ibid.*

<sup>70</sup> Savchenko, p. 68.

<sup>71</sup> "Russia, Ukraine in Rift over Crimean Peninsula," *Europe*, 28 May 1992.

Russia. On 9 April 1992, Ukraine's legislative body issued a resolution "On Additional Measures to Ensure Adoption of Nuclear-Free Status by Ukraine," confirming Ukraine's intention to join the 1968 Non-Proliferation Treaty.<sup>72</sup> Deputies also examined a draft document, later presented to the Russian delegation, "On the Creation of a Nuclear-Free Black Sea Zone," declaring the Black Sea basin a zone of peace.<sup>73</sup> The document included an appeal to the UN Assembly and its Secretary General with the request to support this initiative. By doing so, the Ukrainian MP's wanted to neutralise Russia's trump card that the BSF was a nuclear force and therefore should remain under the jurisdiction of the military command of the CIS, the successor of the USSR. On 6 May 1992, all tactical nuclear weapons were transferred from the territory of Ukraine, including those of the BSF, thus forcing Russia to replace the "strategic" argument with more nationalistic, emotional, and historical arguments that had "continued to solidify since then into a coherent strategy."<sup>74</sup> "Consequently, initial claims by the CIS High Command that the Black Sea Fleet was required to counter the American Sixth Fleet in the Mediterranean Sea smacked more of traditional cold war rhetoric than any real basis in contemporary strategic thinking."<sup>75</sup>

#### **4.6.3. The Dagomys Agreement**

After almost a year, presidents of Ukraine and Russia finally sat at the negotiating table at the Russian Caucasian resort town of Dagomys in order to make an effort to resolve some of the outstanding questions. Although, the wide-ranging agreement was

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<sup>72</sup> text of a declaration in *A Russia that We...*, pp. 123-124.

<sup>73</sup> text in *ibid.*, p. 116.

<sup>74</sup> Kuzio, p. 103.

<sup>75</sup> *Ibid.*, p. 104.

signed on 23 June 1992, the intention of the parties was to use this accord as a preliminary step that would clear the way for a “new, full-scale political treaty.”<sup>76</sup>

The Dagomys summit mainly dealt with the status of the strategic forces of the CIS and the implementation of the two parties’ obligations, concerning several agreements on strategic nuclear weapons. In fact, the negotiations were dominated by economic issues. The two sides agreed to coordinate their actions with regard to the reorganisation of payments and the financial transactions, the regulation of commercial relations, including relations between enterprises of military-industrial complex.<sup>77</sup> Such interest in the economic side of the relationship could be explained by the fact that the situation in both Russia and Ukraine was far from satisfactory and any dispute in this sphere might be counterproductive for the implementation of fundamental economic reforms domestically, which in turn would have a great impact on the future of both Kravchuk and Yeltsin as political leaders.

As regards the BSF, the Dagomys agreement called for the continuation of the negotiations aimed at creation of a Russian and Ukrainian Navy on the basis of the BSF. The sides also reaffirmed their readiness to refrain from unilateral actions and to finance the fleet jointly until its complete division. Although, the Dagomys agreement did not resolve any particular problem regarding the fleet, it provided the basis for future negotiations, thus, marking the beginning of a long process. However, it must be added that the question of who “owns” the Crimea was not on the agenda of the negotiations. This was a significant achievement for the Ukrainian side inasmuch as it

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<sup>76</sup> Article 1 of the agreement, cited in Roman Solchanyk, “Ukrainian-Russian Summit at Dagomys,” *RFE/RL Research Report*, 10 July 1992, p. 36.

<sup>77</sup> *Ibid.*, p. 38.

amounted to Russian acquiescence to Ukraine's position that the Crimean issue was strictly an internal matter of Ukraine and, therefore, not subject to discussion with other countries.<sup>78</sup>

Before the negotiations following the Dagomys accord resumed new disputes arose, highlighting the unstable situation within the fleet. The tensions once again increased when the Fleet Officers' Assembly, an apparently pro-Russian element within the BSF, accused the Ukrainian Defence Ministry of trying to "Ukranianise" the fleet by encouraging servicemen to swear allegiance to Ukraine.<sup>79</sup> Contrary to these arguments, there was much evidence that those who had sworn allegiance to Ukraine were persecuted by the pro-Russian command of the fleet: unbearable conditions had been maintained for sailors in order to force them to retract their decision for military serving, officers were dismissed from their posts, which led to inefficiency. Those who had not yet at that time taken an oath were scared by the so-called "Ukrainisation" and in a case of which promotion priorities would be given to one who knew Ukrainian and who was of Ukrainian nationality.<sup>80</sup>

These developments almost led to violence on two occasions – first, when the Ukrainian command and sailors, asserting their right to land facilities, had decided to use one of the garrisons in Sevastopol, the majority of the personnel of which took an oath of allegiance to Ukraine. On 14 July 1992, Russian sailors, acting under the direct orders of Admiral Igor Kasatonov – the BSF commander- reasserted control of

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<sup>78</sup> *Ibid.*, p. 36.

<sup>79</sup> John W. R. Lepingwell, "The Black Sea Fleet Agreement: Progress or Empty Promises?" *RFE/RL Research Report*, Vol. 2, No 28, 9 July 1993, p. 50.

<sup>80</sup> see Savchenko, pp. 69-84.

this naval garrison.<sup>81</sup> Again, a more serious incident occurred on 21 July 1992, when a BSF frigate – SKR-112, after hosting the Ukrainian flag, took course to the port of Odessa. It was followed by the vessels and aircraft, loyal to the BSF, but, an effort to force it to return was unsuccessful.<sup>82</sup> These incidents, in fact, were another proof of the complexity of the situation and the difficulty in finding a common language in the dispute.

#### **4.6.4. The Yalta Agreement**

The summit held in Yalta on 3 August 1992 produced an agreement removing the BSF from under the military command of the CIS and placed it under joint Russian-Ukrainian control for a transition period of three years (until the end of 1995). The two governments were to have equal authority over the appointment and dismissal of a joint command; fleet facilities were also to be used jointly and the fleet was to be manned equally by Russian and Ukrainian conscripts.<sup>83</sup> However, from the very beginning it was clear that the agreement would bring even more confusion into the issue rather than resolve it, therefore it made for more serious tensions.

The fact that the key questions of how to divide, command and finance the fleet during the transitional period were not directly addressed was giving a chance for both sides to interpret the provisions in the suitable for them way and many of these provisions later became points of contention. As a consequence, on 31 March 1993,

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<sup>81</sup> *Ibid.*, pp. 72-73.

<sup>82</sup> Lepingwell, pp. 79-80.

<sup>83</sup> *Ibid.*, p. 50; Savchenko, pp. 84-85.

the Ministry of Defence of Ukraine issued a statement, saying that it was examining proposals to be submitted to the *Verkhovna Rada* on renouncing the validity of the Yalta agreement.

“This step has been caused by constant violations of bilateral accords on the Black Sea Fleet by the Russian military department, which constantly distorts the interpretation of the main principles set down in the Yalta agreement, and assigns the task of exchanging, removing, storing, and redeploying military hardware to the command of the BSF, without coordinating with the Ministry of defence.”<sup>84</sup>

The Ukrainian Ministry of Defence went further to allege that Ukrainian funding of the joint BSF command was being diverted to pay salaries of the Russian crew at Russian rates, instructed to do so by the Russian Federation’s government.<sup>85</sup>

The response came from the pro-Russian BSF press centre, which stressed that “the Defence Ministry’s statement can be assessed as an attempt to disavow the signature of the president, the commander-in-chief of the Ukrainian armed forces, put to the Yalta agreement through the supreme legislative body.” It has also warned that such actions can lead to “stirring up of inter-ethnic hatred at the fleet because they were inflicting moral and material damage to both states.”<sup>86</sup> Russian Defence Ministry, on its side, said that its Ukrainian counterpart was trying to exercise control over the BSF, bypassing the two presidents.<sup>87</sup> This kind of reaction had to be expected as the decision to put the fleet under joint command was taken without consideration of the fact that in reality there was no Russian Navy and no separate Ukrainian Navy; there was the BSF, which was oriented towards Russia and subordinated to the orders of the CIS armed forces command – surrogate for Russia’s military command.

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<sup>84</sup> *SWB*, 7 April 1993.

<sup>85</sup> *Ibid.*

#### 4.6.5. The Moscow Agreement of June 1993

While the Yalta agreement did little to reduce tension among the fleet personnel, it prompted another summit in Moscow in June of 1993 where the two parties agreed to split the BSF equally, to establish interstate commission that would deal with the fleet division, and, in order to strengthen the ties between Russia and Ukraine, it was decided that efforts were to be made to speed up work on drafting political treaty.<sup>88</sup> Thus, while the Moscow agreement did appear to include some significant achievements on certain issues, it was clear that the vagueness and absence of decisions on tough questions would make this effort to attain final solution fail, as even at that moment the prospects for ratification by both parliaments were doubtful.

A day earlier before the Moscow agreement was signed, an emergency session of the Crimean Supreme Soviet, opened on 16 June 1993, adopted an appeal to the Ukrainian and Russian presidents calling on them to preserve the BSF as a single military unit, “taking into account the social, economic and defensive interests of the Crimea, while considering the retention of Sevastopol as the fleet’s main base.”<sup>89</sup> Although the decision to split up the BSF was taken, this statement certainly gave an impetus for those who opposed the division of the fleet. Thus, the agreement was immediately denounced by an Assembly of the BSF Officers, and received a negative reaction from the Russian politicians, who, on their side, issued a declaration to all BSF personnel declaring support for public and political movements in Russia,

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<sup>86</sup> *SWB*, 8 April 1993.

<sup>87</sup> *SWB*, 12 April 1993.

<sup>88</sup> *SWB*, 19 June 1993.

<sup>89</sup> *FBIS-SOV-93-115*, 17 June 1993.

Ukraine, and other CIS countries, which “stand for preserving the BSF, the work and honour of several generations of our people, as a single unit.”<sup>90</sup>

Taking into consideration the decision of the Russian parliament of 9 July 1993 that declared Sevastopol part of the Russian Federation, it could be argued that as the failure of the attempt to initiate the referendum on independence of the Crimea strengthened Ukraine’s sovereignty over the peninsula, Russian political circles put all their efforts in to the retention of Russia’s presence in Sevastopol as a minimum task. This particularly became apparent when Ukraine declared that only the fleet, not land-based facilities, should be divided, and backed this statement by an argument that the permanent presence of the military bases of another state would infringe the territorial integrity of Ukraine. It gives grounds to argue that “the BSF issue essentially has been reduced to a test of sovereignty right over Sevastopol.”<sup>91</sup> Therefore, Russian officials have continued to insist that “Sevastopol is, and will be, the Russian naval base,” a view expressed by the Russian Foreign Minister Kozyrev, who has also argued that “the same relates to the Black Sea Fleet, whose division is absurd in itself. Sevastopol was a Russia’s naval base and it must remain as such.”<sup>92</sup>

Increasingly politicised officers of the BSF opposing fleet division and supporting Russia’s claim to the sovereignty over the Sevastopol, the majority of population where is Russian, dreaming of being a part of Russia, and the Crimean pro-Russian government, convincing the sides of the need to retain the unified fleet: all aggravated

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<sup>90</sup> *SWB*, 14 July 1993.

<sup>91</sup> Duygu B. Sezer, "From Hegemony to Pluralism: the Changing Politics of the Black Sea," *SAIS Review*, Vol. XVII, No. 1 (1997), p. 12.

<sup>92</sup> cited in Kuzio, p. 105.



the situation on the peninsula, weakening Ukraine's position vis-à-vis the Russian state.

#### **4.6.6. The Massandra Agreement**

In September 1993, on the summit in the southern Crimean town of Massandra, Russia proposed that Ukraine give up its share of the fleet that would be counted as a payment of debt for energy supplies and lease Sevastopol for the Russian Navy. Although the Russian media had subsequently reported that Ukraine agreed to give up its share of the fleet, ratification by the Ukrainian parliament could only be seen as illusory.<sup>93</sup> It was obvious that if a fleet-debt exchange were viable, the perceived unfairness of such a transaction would leave Ukrainian ultranationalists bitter, “fuelling the cold war dynamics.”<sup>94</sup> Back in Kyiv, Kravchuk tried to explain his position by saying that “an unflexible stand on the Black Sea Navy problem and on the Crimea may result in Ukraine losing them both,” but added, apparently realising that ratification in the parliament was highly improbable, that “if the Ukrainian Supreme Soviet, after examining the Russian offer, chose to blackball the Crimean version,” Ukraine would have to find other sources to repay its debt to Russia.<sup>95</sup> Although some politicians spoke in favour of transfer of the military bases deployed in Sevastopol to Russia for rent, as did the then Ukrainian Premier Minister, Leonid Kuchma, who said that “this would be the proof that Russia recognised Sevastopol as Ukraine's territory” and underlined that “Russia would not leave Sevastopol just like

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<sup>93</sup> “Crimea Squabble,” *World Press Review*, November 1993, Vol. 40, Issue 11, p. 37.

<sup>94</sup> Kincade and Natalie Melnychuk, p. 93.

<sup>95</sup> *FBIS-SOV-93-174*, 10 September 1993.

that.”<sup>96</sup> Kravchuk, accused of high treason by influential nationalist forces, *de facto* disavowed the signing of the document.

*Rossiyskaya Gazeta* saying that the fate of the BSF became clear and that in a month Russian banners would be raised over the ships, stated that the Ukrainian president had no other choice than to accept the proposals as Ukraine was “under considerable pressure because of its empty coffers and the more than baleful state of its economy. Kravchuk knew perfectly well that if the decision on the BSF failed to meet the aspirations of the Black Sea sailors – subordinating the fleet to a single and definitely Russian command – then the servicemen would themselves cover Sevastopol Bay with St. Andrew’s flags the very next day.”<sup>97</sup>

In April 1994 there were new incidents, which might have degenerate into a full-scale conflict between Russia and Ukraine in their continuing “war” over the fate of the BSF. One of the incidents was the arrest of a Russian survey ship by Ukrainian forces. The more serious one, later known as the “Odessa Incident,” occurred when on 9 April 1994 Ukraine airborne units were sent to stop a hydrographic vessel *Cheleken*, belonging to the BSF, which left the port of Odessa with valuable navigational equipment worth \$10 million that was property of the port. The *Cheleken* commanders ordered the 318<sup>th</sup> Division of the BSF to fire on the borderguard boats of the Ukrainian Navy, but it did not comply with the order as most of the servicemen were Ukrainians. Although force was not used, the incident was the most serious to date. It prompted the Ukrainian Defence Ministry to begin incorporating more BSF

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<sup>96</sup> *SWB*, 7 September 1993.

units into the Ukrainian Navy in order to avoid conflicts over whose orders sailors were to follow.<sup>98</sup> These developments caused a negative reaction in the Russian capital and another agreement, suspending the incorporation of the BSF units into the Ukrainian Navy, was forged on 15 April 1994 in Moscow between the two presidents.<sup>99</sup>

At the bilateral Ukrainian-Russian talks on the level of defence ministers held in Sevastopol on 21-22 April 1994, details on an agreement regulating the problems of the BSF were worked out. It was agreed that Ukraine would receive 18.3% or 164 operational vessels and the remainder of ships 31.7% were to be transferred to Russia, either in return for settling Ukraine's debts or to be sold. Thus, Russia would have at its disposition 669 ships of different classes.<sup>100</sup> However, the sides could not agree on the issue of the naval bases and Russian Defence Minister, Pavel Grachev, abruptly left Sevastopol, without signing of any protocol. During the negotiations he said that

“Sevastopol should be the main base of the Black Sea Fleet. ...The fleet should also be based in Balaklava, Feodosiya, Kerch and Donuzlav, where the main forces of the Russian Black Sea Fleet are deployed and also where units and formations are stationed. It is clear that we do have the right to, and we will not undermine the combat readiness of the Black Sea Fleet, a battleworthy and full-blooded formation of the armed forces of the Russian Federation, as this would create a real threat to the security of Russia in this region.”<sup>101</sup>

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<sup>97</sup> Boris Sverdlov, “Moscow and Kiev Fated to Agree, as Long as People Do Not Lose Patience,” *Rossiyskaya Gazeta*, as distributed by *FBIS-SOV-93-173*, 8 September 1993.

<sup>98</sup> Ustina Markus, “The Ukrainian Navy and the Black Sea Fleet,” RFE/RL Research Report, Vol. 3, No. 18, 6 May 1994, p. 35.

<sup>99</sup> *Ibid.*; Savchenko, p. 165; *SWB*, 21 April 1994.

<sup>100</sup> Markus, pp. 35-36; Savchenko, p. 176.

<sup>101</sup> *SWB*, 12 May 1994.

The Ukrainian side initially suggested that the BSF be based at Donuzlav, but when this option was rejected, the Ukrainians proposed to share Sevastopol as a base for two fleets.

#### **4.6.7. Kuchma at the Helm**

On 10 July 1994, Leonid Kuchma was elected a new president of Ukraine. Usually identified as pro-Russian, Kuchma was seen to be more open to compromise with the Russians than was his rather “nationalist” predecessor. However, even the willingness of the new president to improve relations with Russia did not help in finding a lasting solution to the BSF dispute. The BSF bases in Izmail, Ochakov, Donuzlav and Balaklava were now the places of dislocation of the Ukrainian Navy. On the negotiating table in August of the same year it was proposed that Russia pay for leasing the bases to accommodate the interests of the Crimeans, but no specific response was made to the Ukrainian proposal.<sup>102</sup>

On the eve of the Sochi meeting between the Russian and Ukrainian presidents, people in Russia started once again saying that Kyiv’s position hardened. *Moskovskie Novosti*, in one of the articles, trying to assess the pre-meeting situation, had argued that the Ukrainian position was substantially reinforced by the West as it [Ukraine] received large credits on favourable terms. Author said that “the West lent serious support to Kiev during the Crimean crisis in April, in effect forcing the Russian authorities to forget use of their main trump card – the unresolved problem of

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<sup>102</sup> *SWB*, 22 August 1994.

Ukraine's debt," and Clinton's visit to Kyiv convinced Ukrainian politicians that the trans-Atlantic power was on their side. As the comments to the question of whether the West was trying to isolate Russia from the civilised world with a buffer of unviable states because of a preconceived view of Russia as a country that had incurably aggressive aspirations, the author asserted that it would be unadvisable for the West to do so "as long as there was still a chance of bringing Russia itself into the system of Western values." Adding that the creation of an anti-Russian buffer would put Ukrainian unity to a serious test as there were strong secessionist movements within Ukraine, author nonetheless did not forget to mention dangers that Russia would be faced with in that situation. He said that "the creation of a pan-European coalition incorporating Ukraine and directed against Russia would be an outright nightmare for Russian diplomacy," since "Moscow, lacking sufficient economic and military potential to maintain a balance between the blocs, would hardly be able to formulate a rational policy that would enable it to effectively safeguard its interests."<sup>103</sup>

#### **4.6.8. The Sochi Agreement**

On 9 June 1995, in Sochi, Yeltsin and Kuchma concluded what was to be one of the most important agreements in the long history of the BSF talks. In terms of its basic parameters, a new accord duplicated the documents that Russia and Ukraine signed in the past and that had been violated repeatedly since then. The property of the BSF was to be divided in half, in accordance with the separate agreement that had not been

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<sup>103</sup> Alexandr Pikayev, "The West, Kiev's Chestnut Trees and the BSF," *Moskovskiye Novosti*, No. 39, 4-11 June 1995, as distributed by *The Current Digest*, Vol. XLVII, No. 23 (1995), p. 11.

signed yet; the ships and vessels were to be partitioned on the basis outlined earlier (i.e. part of Ukrainian share of the BSF would be given to Russia as a payment for energy debt); fleet officers and warrant officers were free to decide their future, i.e. which state they want to serve. More importantly, the so-called Sochi protocol, clearly stipulating that the Crimea formed part of Ukraine, was signed as a separate document. This document was the first after the 1994 Tripartite Agreement and Budapest Agreement of the same year to express explicitly Ukraine's sovereignty over the Crimea.<sup>104</sup>

However, most of the attention was directed to the formulation of the part of the agreement related to basing. During the negotiations Russia agreed to the formulation: "The Russian fleet will be based in Sevastopol." It agreed to withdraw the expression it insisted to use earlier "Sevastopol is the main base of the Russian fleet" – the wording that could be interpreted as territorial claim on the Ukrainian sovereignty over Sevastopol. The use of the latter expression could mean that only the Russian fleet would be based in Sevastopol, however the new formulation did not exclude the possibility that the two navies could be jointly based there.<sup>105</sup> The question of separate basing was not resolved later in November 1995, when 26 agreements, related to the division of the fleet, were signed by the defence ministers of the two sides.<sup>106</sup>

Although, the agreement was received as a "breakthrough," it was clear that the opposition on the both sides would be soon criticising vehemently the decisions

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<sup>104</sup> Sherr, p. 36, 48.

<sup>105</sup> Moshes, p. 134; Aleksandr Keretsky, "Yeltsin and Kuchma Have Reached Agreement: The Dispute Continues," *Kommersant Daily*, 14 June 1995 in *The Current Digest*, Vol. XLVII, No. 23 (1995), p. 13.

reached in Sochi and it was by no means an end of the “battle.” Thus, already in September, Boris Yeltsin had stated that Ukraine was deviating from the Sochi agreement on the BSF – the allegations that the Ukrainian Prime Minister, Yevhen Marchuk, described as “unfounded,” whereas the Chairman of *Verkhovna Rada*, said that the sides now were very close to the final solution of the problem.<sup>107</sup>

Probably the Russian president’s words were another attempt to undermine the deal and another evidence of the real intentions of political circles in Russia, the aim of which was the retention of Russia’s presence on the peninsula. Commenting on this issue, the former commander of the BSF and then first deputy commander of Russia’s naval forces, Admiral Igor Kasatonov, in September 1995, expressed his hope that the complicated situation, given Ukraine’s “attempts to oust Russia” from the Crimea, would be improved after Russia’s legislative body elections, as the new *Duma* would be more receptive to Russia’s position on the BSF.<sup>108</sup> The same idea was once again reiterated by a delegation of the Russian *Duma* deputies, headed by the *Duma* CIS Affairs Committee Chairman, Georgiy Tikhonov, and made up mainly of the Communists and Agrarians, to Sevastopol, where they warned Ukraine that it would be unable to appropriate its share of the BSF as the Russian elections in June would bring to power “forces that will stop the fleet’s break-up.”<sup>109</sup> All this was happening despite the fact that the pro-Russian Crimean parliament, working on a new constitution and trying to produce a document amenable to both Simferopol and Kyiv, approved the article of the draft, stipulating that the Republic of Crimea was “an autonomous constituent part of Ukraine,” whereas Sevastopol was defined as “an

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<sup>106</sup> *Jamestown Foundation*, Vol. 1, Issue 148, 6 December 1995.

<sup>107</sup> *SWB*, 12 September 1995.

<sup>108</sup> *Jamestown Foundation*, Vol. 1, Issue 102, 27 September 1995.

inseparable part of Ukraine,” thus giving no special status in line with the wishes of political and military leaders in Moscow.<sup>110</sup>

The first step to put its plans into life was taken by the Russian *Duma* on 14 February 1996, when it passed a bill halting BSF partition,<sup>111</sup> thus caused the second stage of partition to fail. And although there was a sign of progress, as a newly-adopted Constitution of Ukraine in its Transitional Provision (Paragraph 14) provided for “the use of existing military bases on the territory of Ukraine for the temporary stationing of foreign military formations ... on the terms of lease,” the Russian *Duma*, with no votes against and no sign of dissent, on 23 October 1996 adopted a resolution “On Abrogating the Division of the Black Sea Fleet,” pending international treaties, regulating the whole range of relations between Russia and Ukraine. It also made a direct claim on the sovereignty over Sevastopol and, obliquely, the Crimea. The *Duma*’s action was an attempt to upgrade the territorial claim from the political to the constitutional and state level;<sup>112</sup> the decision came as a surprise for those who thought that previous similar resolutions of 1992 and 1993 were the products of the old era. Some explained that such decision was an outcome of Yeltsin’s absence, while others, like Vladimir Lukin, said that “the Russian deputies were frustrated that Ukraine had blocked several previous agreements on the fleet’s disposition.”<sup>113</sup> One plausible explanation, advanced by the Russian Public Television, was that “Chernomyrdin deliberately engineered a “scare” to push Ukraine into conceding points still in

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<sup>109</sup> *Jamestown Foundation*, Vol. 2, Issue 32, 14 February 1996.

<sup>110</sup> *Jamestown Foundation*, Vol. 1, Issue 127, 3 November 1995.

<sup>111</sup> *Jamestown Foundation*, Vol. 2, Issue 34, 16 February 1996.

<sup>112</sup> *Jamestown Foundation*, Vol. 2, Issue 200, 25 October 1996

<sup>113</sup> “Ukraine: BSF Status Discussed,” *Europe*, as distributed by *Facts of File World News Digest*, 14 November 1996.



dispute.”<sup>114</sup> However, the *Verkhovna Rada* was preparing a no less challenging resolution, which was to remind Russia, as well as the West that “Russia’s guarantee of Ukraine’s territorial integrity in the 14 January 1994 Tripartite Agreement was a precondition to Ukraine’s unilateral nuclear disarmament,” threatened to “fix a date for the withdrawal of the BSF” and to “annul paragraph 14 of the Constitution’s Temporary Provisions.”<sup>115</sup> Similar extreme actions were also initiated by some Ukrainian political parties.<sup>116</sup>

#### **4.6.9. The Final Accords**

Despite all the differences in the positions of the two sides and pressure from political groups in Russia and Ukraine, Chernomyrdin and Lazarenko signed a total of 14 inter-governmental documents on 28 May 1997. The mere fact that these agreements were signed by the prime ministers and not presidents meant that they could be legally implemented without parliamentary ratification; the “formula adopted that they ‘enter into force from the date of signature and are temporally operative until parliamentary ratification’ – seems to express the wish of both governments to have it both ways.”<sup>117</sup>

Most importantly, the treaty put to the end the confrontation over the legal status of the Crimea, Sevastopol, and the BSF; the possibility of raising claims over their status on the official level in the future was made impossible. Thus, the Ukrainian newspaper *Zerkalo Nedeli*, commenting on the signing of the final agreement, said

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<sup>114</sup> Sherr, p. 37.

<sup>115</sup> *Ibid.*

<sup>116</sup> *OMRI Daily Digest II*, No. 211, 31 October 1996.

that one of the states [Russia] now not only in theory, but also in practice had to abandon the idea of “destroying the sovereignty” of the other state and claimed that it became only now possible to talk about any kind of partnership.<sup>118</sup> Additionally, the treaty represented “the cutting of knots” preventing normal economic relationships and guaranteed stable supplies of fuel” for Ukraine, “confirming beyond doubt that these obstacles, including tariffs and energy cuts, were ‘artificial’ ... imposed by Russia for political reasons.”<sup>119</sup>

However, with the signing of these treaties more confusion had been brought to the definitions of Ukraine’s foreign and security policy. The set of treaties between Russia and Ukraine represent the second part of Ukraine’s official foreign policy formula - “Integration with the West, Cooperation with the CIS,”<sup>120</sup> but the question here is whether the first part of the formula would retain its weight. This seems to be more problematic if one to consider Russian-Ukrainian Joint Declaration’s provision “to cooperate in ensuring the security of the southern borders of our two countries,” which appears to reintroduce the principle of “external CIS borders” that Ukraine have been rejecting for many years.<sup>121</sup> One of the Russian newspapers *Sovetskaya Pravda* called both the BSF agreements and “big” treaty a significant, yet tactical, victory of Chernomyrdin, as “the Russian Prime Minister was able to win back from his colleagues from Kiev a number of important conditions, related not only to the role of Russia in providing Ukraine with the energy and participation of the Russian companies in the petrol market, but also spheres which were very far from “gas

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<sup>117</sup> Sherr, p. 39.

<sup>118</sup> Nikolay Semena, “Sevastopol: dal’she vmeste?” [Sevastopol: Now Going Ahead Together?], *Zerkalo Nedely*, N. 22 (139), 31 May – 6 June 1997, p. 4.

<sup>119</sup> Sherr, p. 39.

<sup>120</sup> Andrew Wilson, *The Ukrainians: Unexpected Nation*, 2000, p.

interests” such as the BSF bases and the rent prices.” The newspaper added that the treaty might either aggravate the situation in Russian-Ukrainian relations or facilitate rapid reconciliation between two countries.<sup>122</sup> Thus, according to Russian observers, the treaty favoured their side and not the Ukrainian.

There are other problems related to the treaty on the BSF, which show that despite the fact that Russia has ceded the Crimea, its tools for pressure remain. One of the issues concerns the economic side of the agreement. Russia has agreed to pay a rent of \$97.75 million per annum, which in 20 years will cover \$1.95 billion of the \$3.074 billion debt that Ukraine must pay Russia. If to consider Russia’s payment for Ukraine’s 31.7% part of the fleet - \$526.5 million and compensation over the nuclear tactical weapons \$200 million, over 20 years Ukraine will receive \$2.5 million, not much short of the debt which it has to discharge. However, Ukraine must pay this debt back within ten years and as it will be paying more it receives, there is a threat of Ukraine falling behind the schedule and, accordingly, creating a risk that Russia will request renegotiation.<sup>123</sup>

There are problems related to the military aspect of the lease, which was agreed for a period of 20 years (renewable for a further five). Although it represents a compromise between Russia’s initial bid for 40 years and Ukraine’s desire for 5-7, an important questions to ask are: “What will happen in case of military attack by the Russian fleet on other state?” What will be the consequences for the Ukrainian state in such an event in legal terms?” What would happen if the Russian adversary initiated

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<sup>121</sup> Sherr, p. 43.

<sup>122</sup> U. Byalyi, “Nadkusyvanie” [Taking a Bite of], *Sovetskaya Pravda*, N1 (14), 1997, p. 5-6.

counterattack aimed at the territory of Ukraine? Actually, “the absence of an agreement on actions to be taken by both parties in case of emergency situations and the need to rescue people in the open sea” remains the most important unresolved issue among the parties.<sup>124</sup>

Another very important problem for Ukraine will be the presence of the Russian officers, sailors and their families for the next 20-25 years which puts doubts over the idea that the signed agreement will somehow facilitate the end for the secessionist aspirations on the Crimean peninsula.

Nonetheless, the agreement was concluded and it must be admitted that for Ukraine Yeltsin’s regime was “a lesser evil in a country still inclined to think in imperial terms,” which is “also weak, with too many power centres inside it, and too much opposition outside it.” It was no secret that if one of the most capable opponents – Moscow Mayor Yuriy Luzhkov, General Aleksandr Lebed, or the LDPR leader Vladimir Zhirinovskiy – were to inherit the problem of the BSF, the situation might be much different.<sup>125</sup> At the same time, it was also true that psychological framework within which policy had been made was changing. One evidence for this was the May 1997 Founding Act with the NATO. Ivan Rybkin was graphic on this issue, saying that

“We have to find the strength within ourselves to overcome this obsession with Sevastopol. ...Putting reunification of [the] Crimea and Sevastopol with Russia on the agenda would be to launch a new Chechen war. If Russia and Ukraine can rise to the level to which de Gaulle and Adenauer rose in their time to solve the issue of Alsace

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<sup>123</sup> Sherr, p. 43.

<sup>124</sup> *FBIS-SOV-2000-0316*, 16 March 2000.

<sup>125</sup> Sherr, p. 45.

and Lorraine, then we will be able to work together, help each other and overcome mistrust. We must look at the world with open eyes and see it as it really is.”<sup>126</sup>

#### **4.7. Issue of the Crimea and the Crimean Tatars and the Role of Turkey**

The Crimean peninsula had always been of the utmost importance for Turkey. During the times of the Ottoman Empire the lands north of the Black Sea provided the basis for the Ottoman's power. However, the Russian annexation of the Crimea created a serious threat to the very existence of Turkey and led to the emergence of the so-called “Eastern Question,” i.e. a possible partition of the Ottoman Empire. The demise of the USSR came therefore as a relief for Turkey. The establishment of the independent states on the territory of the old empire was welcomed by the Turks; and, certainly, its northern neighbour - Ukraine was among the most important countries for Turkey. The Ukrainian interests in maintaining and retaining their independent democratic state and restraining all those Russian forces longing for the revival of the old empire exactly coincided with the interests of Turkey.<sup>127</sup>

It is curious to note that when putting forward arguments promoting Russian claims over the Crimea, many Russian politicians and pro-Russian circles in the Crimea itself were stressing that by accepting Ukrainian jurisdiction over the Crimea, ‘they’ were granting the rights to claim the Crimea to Turkey, which had jurisdiction over the peninsula before the Treaty of Küçük Kaynarca was signed, in 1774. However, the meaninglessness of such allegations was proved by Russian international experts themselves, who stated that the 1774 treaty recognised the Crimea and adjacent

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<sup>126</sup> Ivan Rybkin, *Trud*, 10 June 1997, cited in *Ibid.*, p. 46.

<sup>127</sup> Duygu B. Sezer, "From Hegemony to Pluralism: the Changing Politics of the Black Sea," *SAIS Review*, Vol. XVII, No. 1 (1997), pp. 10-11.

regions “independent of authority,” i.e. declaring the Crimea an independent territory. Only in 1783 was the Crimea annexed by Russia, which did not give Turkey any ground for territorial claims either against Russia or Ukraine.<sup>128</sup> Turkey has, on the other hand, always given unequivocal support for the territorial integrity of Ukraine and stated that the peninsula should belong to Ukraine and not any other state (i.e. Russia).

As far as Turkey’s position is concerned, one of the most critical factors in the Crimean issue is the question of the Crimean Tatars, the closest group in terms of ethnic make-up, language, and customs to the Turks of Turkey.<sup>129</sup> Although the Crimean Tatars have their own distinct rich past and national formation, their history was always associated with that of Turkey. Even after the Russian annexation of the Crimea these ties did not weaken, one of the main reasons for this was the big waves of migration of the Crimean Tatars to Turkey. According to some statistics, though they are not official, there are not less than five millions immigrants from the Crimea and their descendants, now living in Turkey.

When talking about the relationship of the Crimean Tatars with the Turks of Turkey an important issue to examine is the question of religion. The Crimean Tatar community has always been deeply religious. Even when the peninsula became a part of Russia, the activities of the religious circles were very intensive: as the religious teaching was controlled, young people were sent to Turkey to study in the Ottoman *medreses*. During the first years of the USSR, Islam was seen as a kind of weapon

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<sup>128</sup> *Kommersant*, 20 February 1999.

<sup>129</sup> Hakan Kırımlı, “Turkey – Ukraine - Moldova,” *Research Report*, Ankara, 1997, p. 9.

against the Bolshevism and almost all mosques and religious institutions in the Crimea were closed down by the Bolsheviks. After the repatriation, the Crimean Tatars could hardly find any signs of Islam on the territory of the peninsula; all building of the mosques were either destroyed or used as warehouses. It is important to say, however, that people were more concerned with socio-economic problems, but, indifference towards these problems on the side of the Crimean and Ukrainian authorities pushed some of the Crimean Tatars to rethink the means to achieve their goals; thus, for instance, the *Milli Firka* [the Nationalist Party] and *Party of Revival of the Islam in the Crimea*, both of which propagate radical Islamist views. There are other religious organisations, many of which have their own newspapers and magazines. In total, there are more than 130 organisations of that type but of different calibre operating on the territory of peninsula. So, Islam is a very important factor in the lives of the Crimean Tatars and their attempts to preserve their national identity, which is very difficult to do amidst the predominantly Slav population; it also became a kind of bridge connecting the Crimean Tatars with other Muslim states, particularly, Turkey, and serious involvement in the revival of religious life in the Crimea.<sup>130</sup>

Possibly, the issue of the Crimean Tatars was one of the most important factors determining the nature of Turkish-Ukrainian relations. The problems related to the repatriation and reintegration of the Crimean Tatars constantly appeared on the agenda of the bilateral negotiations of these two states. The plight of the Crimean Tatars attracted the attention of the Turkish public, which organised several large-scale campaigns of humanitarian aid; most of such initiatives were undertaken by the

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<sup>130</sup> Viktor Gankevich, "1991 Sonrası Kırım Tatar Milli Hareketi'nde İslam Faktörü" [The Islamic factor in the Crimean Tatar National Movement after 1991], *Emel*, No. 219, March-April, 1997, pp. 1-9.

Crimean Tatar diaspora. At the same time, the activities of the Turkish government had a positive effect in that the Ukraine started to pay more attention to the problems of the Crimean Tatars.

It was clear that the Ukrainian government understood the importance of the Crimean Tatar factor in its domestic politics; it also knew that the Crimean Tatars turned out to constitute the only organised force determined to defend the Ukrainian interests on the peninsula. However, the Ukrainian government in order not to irritate the pro-Russian forces further always refrained from acting decisively in support of the Crimean Tatars. An important reason restraining the Ukrainian authorities in helping the Crimean Tatars is that it is afraid that while trying to defeat Russian separatism it may foster a Crimean Tatar one.<sup>131</sup> The pro-Russian population, especially media, of the Crimea has always played the role of reminder of the possibility of the realisation of such scenario and was granting Turkey in this story line the role of catalyst. Thus, for instance, one of the newspaper articles, accusing Turkey of double standards in dealing with separatism (supporting Chechens and Turkish Cypriots, but fighting Kurds), gave advice to the *Rukh* leader Chornovil to “direct his attention to the friendship and connections of Cemiloğlu [Kırımoglu] and other leaders of the *Meclis*, aimed at the establishment of the Crimean Tatar state on the territory of the Crimea, with Turkey,” meaning Ukraine one day might be faced with the problem of Crimean Tatar secessionism.<sup>132</sup> It is not difficult to understand the irrationality of this allegation as the fact that the Crimean Tatars constitute only 12% of the Crimean population and as it is unlikely that the Slav immigrants will leave the country makes

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<sup>131</sup> Hakan Kırımlı, “Turkey – Ukraine - Moldova,” p. 12.

<sup>132</sup> Oleg Naydenkov, “Dvoynoy Standart” [Double Standard], *Krymskoye Vremya*, N. 7 (151), 16 January 1997, p. 5.



it hard to believe that these people would be able to claim territorial separation in the future. Mass resentment in Russia of the ‘*chorniye*’ (black) in general – resentment based on the assumption that they increase their demographic presence in the post-Communist state, actually, always outwitted *naïve* Russians – had often been fed by paranoia. What concerns Turkey in this case, Turkish diplomats have always been stressing the fact that Turkey has no intentions of infringing upon the sovereignty of its northern neighbour and that all the issues related to the Crimean Tatars are the internal matter of Ukraine.<sup>133</sup>

It is important to note that while Turkish diplomats endeavoured to establish friendly relations with Ukraine – to strengthen political and economic ties between two states and to help its kinsmen - the Russian nationalists both in Russia and the Crimea during the last few years made intense propaganda about the existence of the Turkish threat. They put forward an argument claiming that Turkey, using the Crimean Tatar card, is trying to re-assert its imperial presence in the Black Sea region. As a supportive argument, those forces use a case with the BSF, saying that the division and neglect that weakened dramatically the capacity of the fleet gives Turkey an upper hand in the region and leaves the southern borders of Ukraine and Russia open to military attack from the south.<sup>134</sup> Sometimes this kind of “theories” reached fantastic dimensions; for instance, there were rumours about Turkey’s supplying of the large Crimean Tatar guerrilla groups on the peninsula or even landings of Turkish arms and tanks on the Crimean shores.<sup>135</sup> The leader of the Russian Party, Shuvaynikov, in one of his interviews went on to assert that intensive work was going

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<sup>133</sup> Hakan Kırımlı, “Turkey – Ukraine - Moldova,” p. 10.

<sup>134</sup> *Ibid.*, p. 13.

<sup>135</sup> *BBC Monitoring Service*, 13 October 2000, as distributed by *Reuters*.

on aimed at initiation of a military conflict on the territory of the Crimea, an area vitally important for the interests of the USA and Turkey.<sup>136</sup> It is important to say that such rumours, despite their absurdity, were usually very effective in ‘contributing’ to the inflammation of inter-ethnic relations in the Crimea; a continuity of similar allegations also may damage diplomatic relations between Ukraine, Russia, and Turkey.

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<sup>136</sup> Aleksandr Shvets, “Chernomorskiy region – zona sotrudnichestva ili istochnik konfliktov?” [The Black Sea Region – Zone of Cooperation or Conflicts?], *Krymskoye Vremya*, N. 7 (151), 6 January 1997, p.5.

## CONCLUSION

The thesis is an attempt to trace the developments related to the constitutional process in the Crimea. It is depicted in the context of inter-ethnic relations on the peninsula, as one of the major problems, not only for the Crimea but, also, for Ukraine remains that of the Crimean Tatars.

The constitutional process in any state would aim to give an entity its legal “passport” that would be the reflection of the historic, ethnic, and cultural peculiarities of region. In our case this legal document had to be integrated into the general texture of political and economic life of a state of which the Crimea is a part, i.e. Ukraine. However, the analysis of the constitutional process in the Crimea had given us an idea that the main aim was not to find a legal solution to the problem the Crimea had been faced after the dissolution of the USSR with regard to its status and the status of the people living there. On the contrary, the actions of those who were in power were always aimed at acquirement of greater autonomy, even independence, from the centre and, by doing so, they wanted to satisfy the secessionist-minded Russian majority of the population. For its part, the Ukrainian government, most of the time tried to avoid implementing tough measures against the Crimean politicians in order not to open the way for more serious scenarios and endeavoured to mollify the antagonism the Russian-speaking population of the Crimea nourished towards the Ukrainian state and the Crimean Tatars. As a result of this, the problems of the native population of Crimea remained unresolved; the new constitution did not take into consideration any of the demands of these people and, most importantly, their right

for representation in the power structures of the republican government was not secured.

Always talking about the potential of large-scale conflict that could be initiated by the Russian population of the peninsula if it is not appeased, many people fail to understand that this element of the Crimean population has a much lower potential for mass mobilisation (of course, if it does not have strong support and inspiration from the outside), as it does not have grounds for doing so. Instead, the Crimean Tatars are more prone to such conflicts as they are very well organised and, representing a unified force with strong leadership, are easily mobilised. Therefore, further delay in adoption of legislation related to the solution of the problems of these people may result in transformation of the rather peaceful national movement into extremely radical political force within the ARC, which in turn can lead to the escalation of the crisis. Correspondingly, the adoption of the Crimean constitution only aggravated the situation instead of promoting inter-ethnic accord and stability on the peninsula.

While the 1944 deportation produced nationalism and strengthened national consciousness among the Crimean Tatars, as an unfamiliar and often hostile environment and society reinforced their interconnectedness, the repatriation of these people had come to mean the further development of a strong sense of self-identity as a coherent nation. Nowadays, the Crimean Tatars are endeavouring to preserve their ethno-cultural and religious traditions and to bequeath them to the next generation. That is why their drive towards self-identification, stemming mainly from their fear of losing this identity and being assimilated within the Slav culture, should be properly understood and respected. Avoiding a solution to their problems on the national level

and on the basis of the central legislation may cause in the future bigger problems for Ukraine when the democratic norms of the country will be much closer to those of the Western world. In this respect, deeper insight into the problem (beyond the level of economic conditions, which are indeed lamentable) is desirable not only from the side of the Ukrainian authorities, but also from that of international community, as the attainment of stability and harmony on the peninsula will positively affect the situation in the whole region.

The Crimean issue has also remained to be an important factor in the Russo-Ukrainian bilateral relations. The provocative statements by some prominent Russian politicians and the resolutions questioning the Ukrainian sovereignty over the Crimea and Sevastopol which were passed by the Russian *Duma* were creating much discomfort in Kyiv. Although Yeltsin's government always formally repudiated such claims, it was not until 1997 that the final treaty on the division of the Black Sea Fleet and of the bilateral "Treaty on Friendship, Cooperation, and Partnership," guaranteeing the inviolability of the Ukrainian borders, were signed, the problem of the Crimea was putting serious obstacles to the normalisation of the relations between the two countries. However, the presence of the Russian military establishment, namely the Black Sea Fleet units, and of adventurous political forces on the peninsula do not encourage qualified observers to suppose that the issue has lost its inflammable potential for the future.

There has also been an impact on the situation produced by Turkey, which has often been presented by Russia as a potential threat to the security of the region. Taking as a basis the Turkish people's interest in the plight of its kinsmen, it was often suggested

that by using the Crimean Tatar card, Turkey would try to establish its dominance in the region. The Turkish government and diplomats have in fact always stressed their unequivocal support for the territorial integrity of Ukraine and have shown their good will with regard to both Russia and Ukraine.

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*Avangard*

*Daily Telegraph*

*Den'*

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*Flot Ukrayiny*

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*Ogni Mayaka*

*Pravda Ukrayiny*

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*Slava Trudu*  
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*The Current Digest of the Post-Soviet Press*  
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*The Moscow Tribune*  
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*Türkiye*  
*Ukrayina Moloda*  
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*Yuzhnaya Stolitsa*  
*Zaman*  
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## **NEWSAGENCIES**

*BBC Monitoring Service*  
*Facts On File World News Digest*  
*FBIS*  
*Infobank*  
*Interfax*  
*ITAR-TASS*  
*Jamestown Foundation*  
*OMRI Daily Digest*  
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